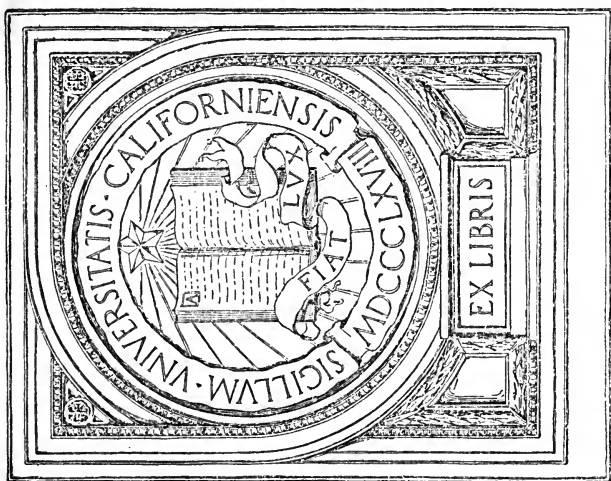




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THE

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OF THE

UNITED STATES

OF

AMERICA.

IN THREE VOLUMES.

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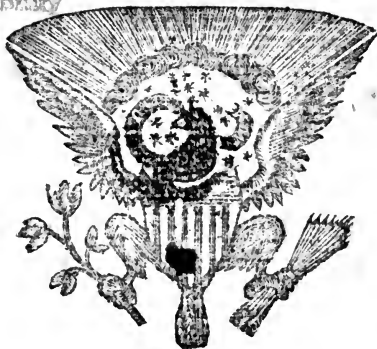
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A C T S

PASSED AT THE

FIRST SESSION

OF THE

SECOND CONGRESS

OF THE

United States of America,

BEGUN AND HELD AT THE CITY OF PHILADELPHIA,

In the State of Pennsylvania, on Monday, the

Twenty-Fourth of October,

IN THE YEAR M,DCC,XCI:

AND OF THE

Independence of the United States

THE SIXTEENTH.

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A C T S

O F

C O N G R E S S.

CHAPTER I.

An Act granting farther Time for making Return of the Enumeration of the Inhabitants in the District of South-Carolina.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the marshal of the district of South-Carolina to complete and make return of the enumeration of the inhabitants of the said district, to the President of the United States, in the form and manner prescribed by the act, intituled, “An act providing for the enumeration of the inhabitants of the United States,” at any time on or before the first day of March next, any thing in the said act to the contrary notwithstanding.

Time for making return extended to 1st March 1792.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, November the eighth, 1791 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER II.

An Act for the Relief of David Cook and Thomas Campbell.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That David Cook, a captain of artillery in the late war, and who, being shot through the body at the battle of Monmouth, is rendered incapable to obtain his livelihood by labor, shall be placed on the pension-list of the United States, and shall be entitled to one-third of his monthly pay, as a captain of artillery: *Provided*, That he return into the treasury-office, a sum equivalent to two-thirds of his commutation of half-pay, being the proportion of his pension to the amount of his commutation.

D. Cook
allowed a
pension,

and

T. Camp-
bell.

Sec. 2. *And be it further enacted*, That Thomas Campbell be placed on the pension-list, and that the half-pay of a captain of infantry be allowed to the said Thomas Campbell, who has been so injured by repeated wounds in the service of his country, that he is unable to support himself by labor: *Provided*, That he return into the treasury-office a sum equivalent to the whole of his commutation of half-pay.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, December sixteenth, 1791:

GEORGE WASHINGTON,
President of the United States.

CHAPTER III.

An Act making Appropriations for the Support of Government for the Year one thousand seven hundred and ninety-two.

Section 1. **B**E it enacted by the Senate and House of Representatives of the

United States of America, in Congress assembled, That for the service of the year one thousand seven hundred and ninety-two, and the support of the civil list of the United States, including the incidental and contingent expenses of the several departments and offices thereof, there shall be appropriated a sum of money not exceeding three hundred and twenty-nine thousand, six hundred and fifty-three dollars, and fifty-six cents; that is to say,

Specific appropriations for 1792.

Civil list.

For the compensations granted by law to the President of the United States, the Vice-President, Chief Justice, Associate Judges, and Attorney General, fifty-three thousand dollars.

Compensations to the president and vice-president, judges and attorney-general; district judges;

For the like compensations to the District Judges, nineteen thousand eight hundred dollars.

members of Senate and House of Representatives, officers and attendants;

For the like compensations to the members of the Senate and House of Representatives, and the officers and attendants of the two Houses, estimated on a session of six months continuance, and including the travelling expenses of the members, one hundred and twenty-nine thousand, seven hundred and thirty dollars.

Secretary and officers of the treasury, clerks and attendants, and loan officers.

For the like compensations to the Secretary and officers of the several departments of the Treasury of the United States, including clerks and attendants, and the salaries of the respec-

five loan-officers, sixty thousand three hundred dollars.

Compensa-
tions to se-
cretary of
state and
officers,
For the like compensations to the Secretary and officers of the department of State, six thousand three hundred dollars.

Secretary
of war and
officers,
For the like compensations to the Secretary and officers of the department of War, nine thousand six hundred dollars.

Board com-
missioners,
clerks, &c.
For the like compensations to the members of the Board of Commissioners, for the settlement of the accounts between the United States and the individual states, including clerks and attendants, thirteen thousand one hundred dollars.

Governors,
judges and
other offi-
cers of W.
territory.
For the like compensations to the Governors, Judges and other officers of the Western Territory of the United States, including contingencies, eleven thousand dollars.

B. Steuben.
For the payment of the annual grant to Baron Steuben, pursuant to an act of Congress, two thousand five hundred dollars.

pensions.
For the payment of sundry pensions granted by the late government, two thousand seven hundred and sixty-seven dollars, and seventy-three cents.

Incidental
expenses of
civil list,
&c. and the
two houses
of Congress
&c.
For defraying all other incidental and contingent expenses of the civil list establishment, including firewood, stationary, together with the printing work, and all other contingent expenses of the two Houses of Congress, rent and office-expenses of the three several departments, namely, Treasury, State, War, and of the General Board of Commissioners, twenty-one thousand five hundred and fifty-five dollars, and eighty-three cents.

Sec. 2. *And be it further enacted, That the*

compensation to the door-keepers of the two Houses, for services which have been heretofore rendered, or may be rendered in the recess of Congress for the year one thousand seven hundred and ninety-two, and certified by the President of the Senate or Speaker of the House of Representatives, in manner required by law, for like services during sessions, shall be discharged out of the money herein before appropriated for the contingent expenses of the two Houses of Congress.

To the door
keepers.

Sec. 3. *And be it further enacted*, That for discharging certain liquidated claims upon the United States, for making good deficiencies in former appropriations for the support of the civil list-establishment, and for aiding the fund appropriated for the payment of certain officers of the courts, jurors and witnesses, and for the establishment of ten cutters, there shall be appropriated a sum of money not exceeding one hundred and ninety-seven thousand, one hundred and nineteen dollars, and forty-nine cents; that is to say,

For liquidated claims, deficiencies in civil list, payment of officers, &c. of courts, & ten cutters.

For discharging a balance due on a liquidated claim of his most Christian Majesty against the United States, for supplies during the late war, nine thousand and twenty dollars, and sixty-eight cents.

Balance due his christian majesty.

For payment of the principal and interest on a liquidated claim of Oliver Pollock, late commercial agent of the United States, at New-Orleans, for supplies of clothing, arms and military stores, during the late war, one hundred and eight thousand, six hundred and five dollars, and two cents: *Provided*, That the said monies be not paid to the said Oliver Pol-

Claim of O. Pollock.

lock, without the consent of the agents of the court of Spain.

Deficiencies of civil list.

For making good deficiencies in the last appropriations for the compensations to sundry officers of the civil list-establishment, five thousand four hundred and seventy-one dollars.

For sundry expenses.

For defraying sundry authorized expenses to the commissioners of loans in the several states, twenty-one thousand dollars.

For defraying a balance of certain liquidated and contingent expenses in the treasury-department, two thousand eight hundred dollars.

For defraying the additional expenses of the enumeration of the inhabitants of the United States, nineteen thousand seven hundred and seventy-two dollars and seventy-nine cents.

For making good a deficiency in former appropriations, to discharge the expenses to clerks, jurors and witnesses in the courts of the United States, five thousand dollars.

For the maintenance and repair of light-houses, beacons, piers, stakes and buoys, sixteen thousand dollars.

For the expense of keeping prisoners committed under the authority of the United States, four thousand dollars.

For the expense of clerks and books in arranging the public securities, two thousand four hundred and fifty dollars.

For the purchase of hydrometers for the use of the officers in the execution of the laws of revenue, one thousand dollars.

For the farther expense of building and equipping ten cutters, two thousand dollars.

Sec. 4. *And be it further enacted,* That for

the support of the military establishment of the United States, in the year one thousand seven hundred and ninety-two, the payment of the annual allowances to the invalid pensioners of the United States, for defraying all expenses incident to the Indian department, and for defraying the expenses incurred in the defensive protection of the frontiers against the Indians, during the years one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, by virtue of the authority vested in the President of the United States, by the acts relative to the military establishment, passed the twenty-ninth of September, one thousand seven hundred and eighty-nine, and the thirtieth of April, one thousand seven hundred and ninety, and for which, no appropriations have been made, there shall be appropriated a sum of money, not exceeding five hundred and thirty-two thousand, four hundred and forty-nine dollars, seventy-six cents, and two thirds of a cent; that is to say,

For military establishment for 1792.

For the pay of the troops, one hundred and two thousand six hundred and eighty-six dollars.

For subsistence, one hundred and nineteen thousand, six hundred and eighty-eight dollars, and ninety-seven cents.

For clothing, forty-eight thousand dollars.

For forage, four thousand one hundred and fifty-two dollars.

For the hospital-department, six thousand dollars.

For the quarter-master's department, fifty thousand dollars.

For the ordnance department, seven thou-

land two hundred and four dollars and sixty-four cents.

For the contingent expenses of the war department, including maps, hire of expressees, allowances to officers for extra-expenses, printing, loss of stores of all kinds, advertising and apprehending deserters, twenty thousand dollars.

Compensation to sundry officers, &c.

For the discharge of certain sums due for pay and subsistence of sundry officers of the late army, and for pay of the late Maryland line, for which no appropriations have been made, ten thousand four hundred and ninety dollars, and thirty-six cents.

To invalid pensioners.

For the payment of the annual allowances to invalid pensioners, eighty-seven thousand four hundred and sixty-three dollars, sixty cents and two thirds of a cent.

Indian department.

For defraying all expenses incident to the Indian department, authorized by law, thirty-nine thousand four hundred and twenty-four dollars, and seventy-one cents.

Frontiers,

For defraying the expenses incurred in the defensive protection of the frontiers, as before recited, thirty-seven thousand, three hundred and thirty-nine dollars, and forty-eight cents.

The funds for the several appropriations,

Sec. 5. *And be it further enacted*, That the several appropriations, herein before made, shall be paid and discharged out of the funds following, to wit ; first, out of the sum of six hundred thousand dollars, which, by the act, intituled, " An act making provision for the debt of the United States," is reserved, yearly, for the support of the government of the United States, and their common defence ; and secondly, out of such surplus as shall have accrued to

the end of the present year, upon the revenues heretofore established, over and above the sums necessary for the payment of interest on the public debt during the same year, and for satisfying other prior appropriations.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, December twenty-third, 1791 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER IV.

An Act for carrying into Effect a Contract between the United States and the State of Pennsylvania.

FOR duly conveying to the state of Pennsylvania a certain tract of land, the right to the government and jurisdiction whereof was relinquished to the said state by a resolution of Congress of the fourth day of September, in the year one thousand seven hundred and eighty eight, and whereof the right of soil has been sold by virtue of a previous resolution of Congress of the sixth day of June in the said year ;

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized, on fulfilment of the terms stipulated on the part of the state of

Tract of land conveyed to Pennsylvania on certain conditions.

Pennsylvania, to issue letters patent, in the name and under the seal of the United States, granting and conveying to the said state forever the said tract of land, as the same was ascertained by a survey made in pursuance of the resolution of Congress of the sixth day of June, one thousand seven hundred and eighty-eight.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, January the third, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER V.

*An Act to extend the Time limited for settling
the Accounts of the United States with the In-
dividual States.*

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the powers of the Board of Commissioners, which, by an act passed in the second session of the first Congress, was established to settle the accounts between the United States and individual states, shall continue until the first day of July, one thousand seven hundred and ninety-three, unless the business shall be sooner accomplished.

Board com-
missioners
for settle-
ment of ac-
counts con-
tinued till
1793.

Sec. 2. *And be it further enacted, That the
aforesaid act shall extend to the settlement of*

the accounts between the United States and the state of Vermont : and that until the first day of December next, shall be allowed for the said state to exhibit its claims.

To settle
with Ver-
mont.

Sec. 3. *And be it further enacted*, That from and after the passing of this act, the pay of the principal clerk of the said Board shall be the same as the pay of the principal clerk in the Auditor's office.

Pay of
principal
clerk.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, January the twenty-third, 1792 :
GEORGE WASHINGTON,
President of the United States.

CHAPTER VI.

An Act concerning certain Fisheries of the United States, and for the Regulation and Government of the Fishermen employed therein.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the allowance now made upon the exportation of dried fish of the fisheries of the United States, in lieu of a drawback of the duties paid on the salt used in preserving the same, shall cease on all dried fish exported after the tenth day of June next, and as a commutation and equivalent therefor, there shall be afterwards

Allowance
in lieu of
drawback
on exportation
of dried
fish limited
to
June 1792.

and as an equivalent, each fishing vessel allowed a sum according to burden not to exceed \$70 dollars.

paid on the last day of December annually, to the owner of every vessel or his agent, by the collector of the district where such vessel may belong, that shall be qualified agreeably to law, for carrying on the bank and other cod fisheries, and that shall actually have been employed therein at sea for the term of four months at the least, of the fishing season, next preceding which season is accounted to be from the last day of February to the last day of November in every year, for each and every ton of such vessel's burthen according to her admeasurement as licensed or enrolled, if of twenty tons and not exceeding thirty tons, one and an half dollars; and if above thirty tons, two and an half dollars; of which allowance aforesaid, three-eighth parts shall accrue and belong to the owner of such fishing vessel, and the other five eights thereof shall be divided by him, his agent or lawful representative, to and among the several fishermen who shall have been employed in such vessel during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season: *Provided*, That the allowance aforesaid on any one vessel, for one season, shall not exceed one hundred and seventy dollars.

Annual allowance to fishing vessels above 5 tons,
 Sec. 2. *And be it further enacted*, That on the last day of December annually, as aforesaid; there shall also be paid to the owner of every fishing boat or vessel of more than five tons, and less than twenty tons, or to his agent or lawful representative, by the collector of the district where such boat or vessel may belong, the sum of one dollar upon every ton admea-

furement of such boat or vessel ; which allowance shall be accounted for as part of the proceeds of the fares of said boat or vessel, and shall accordingly be so divided among all persons interested therein : *Provided however,* That this allowance shall be made only to such boats or vessels as shall have actually been employed at sea in the cod fishery for the term of four months at the least of the preceding season : *And provided also,* That such boat or vessel shall have landed in the course of said preceding season, a quantity of fish not less than twelve quintals for every ton of her admeasurement ; the said quantity of fish to be ascertained when dried and cured fit for exportation, and according to the weight thereof, as the same shall weigh at the time of delivery when actually sold ; which account of the weight, with the original adjustment and settlement of the fare or fares among the owners and fishermen, together with a written account of the length, breadth and depth of said boat or vessel, and the time she has actually been employed in the fishery in the preceding season, shall in all cases be produced and sworn or affirmed to, before the said collector of the district, in order to entitle the owner, his agent or lawful representative, to receive the allowance aforesaid. And if at any time within one year after payment of such allowance, it shall appear that any fraud or deceit has been practised in obtaining the same, the boat or vessel upon which such allowance shall have been paid, if found within the district aforesaid, shall be forfeited ; otherwise the owner or owners having practised such fraud or deceit, shall forfeit and pay one hundred dollars ; to be sued for, recovered and appropriated in like manner as forfeitures

under what
regulations.

and penalties are to be sued for, recovered and appropriated for any breach of an act, entitled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandize imported into the United States, and on the tonnage of ships or vessels."

Owners of fishing vessels how to proceed to obtain the allowances granted by this act.

Sec. 3. *And be it further enacted*, That the owner or owners of every fishing vessel of twenty tons and upwards, his or their agent or lawful representative, shall previous to receiving the allowance which is provided for in this act, produce to the collector who is authorized to pay the same, the original agreement or agreements which may have been made with the fishermen employed on board such vessel, as is herein before required, and also a certificate to be by him or them subscribed, therein mentioning the particular days on which such vessel sailed and returned on the several voyages or fares, she may have made in the preceding fishing season, to the truth of which they shall swear or affirm before the collector aforesaid.

Sec. 4. *And be it further enacted*, That no ship or vessel of twenty tons or upwards, employed as aforesaid, shall be entitled to the allowance granted by this act, unless the skipper or master thereof shall, before he proceeds on any fishing voyage, make an agreement in writing or in print, with every fisherman employed therein, excepting only any apprentice or servant of himself or owner; and in addition to such terms of shipment as may be agreed on, shall in such agreement express whether the same is to continue for one voyage or for the fishing season, and shall also express that the fish or the proceeds of such fishing voyage or

voyages which may appertain to the fishermen, shall be divided among them in proportion to the quantities or number of said fish they may respectively have caught ; which agreement shall be endorsed or countersigned by the owner of such fishing vessel, or his agent : And if any fisherman having engaged himself for a voyage or for the fishing season, in any fishing vessel, and signed an agreement therefor as aforesaid, shall thereafter and while such agreement remains in force and to be performed, desert or absent himself from such vessel, without leave of the master or skipper thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen or mariners are subject to in the merchant's service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained ; and all costs of process and commitment if paid by the master or owner, shall be deducted out of the share of fish, or proceeds of any fishing voyage to which such deserter had or shall become entitled. And any fisherman, having engaged himself as aforesaid, who shall during such fishing voyage, refuse or neglect his proper duty on board the fishing vessel, being thereto ordered or required by the master or skipper thereof, or shall otherwise resist his just commands, to the hindrance or detriment of such voyage, beside being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel, his share of the allowance, which shall be paid upon such voyage as is herein granted.

Owners of fishing vessels how to proceed to obtain the allowances granted by this act.

Sec. 5. *And be it further enacted*, That where an agreement or contract shall be so made and signed, for a fishing voyage or for the fishing season, and any fish which may have been

Owners of
fishing ves-
sels how to
proceed to
obtain the
allowances
granted by
this act.

caught on board such vessel during the same, shall be delivered to the owner or to his agent, for cure, and shall be sold by said owner or agent, such vessel shall for the term of six months after such sale, be liable and answerable for the skipper's and every other fisherman's share of such fish, and may be proceeded against in the same form, and to the same effect as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant's service. And upon such process for the value of a share or shares of the proceeds of fish delivered and sold as aforesaid, it shall be incumbent on the owner or his agent, to produce a just account of the sales and division of such fish according to such agreement or contract, otherwise the said vessel shall be answerable upon such process for what may be the highest value of the share or shares demanded. But in all cases, the owner of such vessel or his agent, appearing to answer to such process, may offer thereupon his account of general supplies made for such fishing voyage, and of other supplies therefor made, to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively, and judgment shall be rendered upon such process, for the respective balances, which upon such an enquiry shall appear: *Provided always*, That when process shall be issued against any vessel liable as aforesaid, if the owner thereof or his agent will give bond to each fisherman in whose favour such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, one of whom shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such

process; or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel: *Provided*, That nothing herein contained shall prevent any fisherman from having his action at common law, for his share or shares of fish, or the proceeds thereof as aforesaid.

Sec. 6. *And be it further enacted*, That the drawback heretofore allowed on the exportation of foreign dried and pickled fish, and other foreign salted provisions, be and the same is hereby repealed. Drawback
on salted
fish, &c.
repealed,
and

Sec. 7. *And be it further enacted*, That the monies which shall remain in consequence of the abolition of the allowance on the exportation of the dried fish of the United States, and of the drawback on foreign dried and pickled fish, and other foreign salted provisions, be, and the same are hereby appropriated to the payment of the allowances granted by this act, and in case the monies so appropriated shall be inadequate, the deficiency shall be supplied out of any monies which from time to time shall be in the treasury of the United States, and not otherwise appropriated. monies arising there-
from ap-
propriated
to pay al-
lowances
granted by
this act.

Sec. 8. *And be it further enacted*, That any person who shall declare falsely in any oath or affirmation required by this act, being duly convicted thereof in any court of the United States, having jurisdiction of such offence, shall suffer the same penalties as are provided for false swearing or affirming, by the act before-mentioned, and to be in like manner sued for, recovered and appropriated. Penalty on
swearing
falsely.

Limitation. Sec. 9. *And be it further enacted, That this act shall continue and be in force for the term of seven years, and from thence to the end of the next session of Congress, and no longer.*

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, February sixteenth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER VII.

*An Act to establish the Post-Office and Post-Roads
within the United States.*

(REPEALED.)

CHAPTER VIII.

*An Act relative to the Election of a President and
Vice-President of the United States, and declar-
ing the Officer who shall act as President in
Case of Vacancies in the Offices both of Presi-
dent and Vice-President.*

Section 1. **B**E it enacted by the Senate and
House of Representatives of the
United States of America in Congress assembled,
That except in case of an election of a President
and Vice-President of the United States, prior
to the ordinary period as hereinafter specified,
electors shall be appointed in each state for the
election of a President and Vice-President of
the United States, within thirty-four days pre-
ceding the first Wednesday in December, one
thousand seven hundred and ninety-two, and

States how
to appoint
electors for
election of
president &
vice-presi-
dent;

within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election, which electors shall be equal to the number of Senators and Representatives, to which the several states may by law be entitled at the time, when the President and Vice-President, thus to be chosen, should come into office: *Provided always*, That where no apportionment of Representatives shall have been made after any enumeration, at the time of chusing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives.

Sec. 2. *And be it further enacted*, That the electors shall meet and give their votes on the said first Wednesday in December, at such place in each state as shall be directed by the legislature thereof; and the electors in each state shall make and sign three certificates of all the votes by them given, and shall seal up the same, certifying on each that a list of the votes of such state for President and Vice-President is contained therein, and shall by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of government before the first Wednesday in January then next ensuing, one of the said certificates, and the said electors shall forthwith forward by the post-office to the President of the Senate, at the seat of government, one other of the said certificates, and shall forthwith cause the other of the said certificates, to be delivered to the judge of that district in which the said electors shall assemble.

when to
meet and
vote;

to sign 3
certificates
of all the
votes given.

how to be
disposed of.

Sec. 3. *And be it further enacted*, That the executive authority of each state shall cause three lists of the names of the electors of such

Duty of ex-
ecutive of
each state;

state to be made and certified, and to be delivered to the electors on or before the said first Wednesday in December, and the said electors shall annex one of the said lists to each of the lists of their votes.

of Sec. of
State on
non-receipt
of list of
votes.

Sec. 4. *And be it further enacted,* That if a list of votes, from any state shall not have been received at the seat of government on the said first Wednesday in January, that then the Secretary of State shall send a special messenger to the district judge, in whose custody such list shall have been lodged, who shall forthwith transmit the same to the seat of government.

Congress to
be in session
on 2d Wed-
nesday in
Feb. 1793.

Sec. 5. *And be it further enacted,* That Congress shall be in session on the second Wednesday in February, one thousand seven hundred and ninety-three, and on the second Wednesday in February succeeding every meeting of the electors; and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice-President ascertained and declared, agreeably to the Constitution.

Duty of
persons
sent with
lists of
votes;

Sec. 6. *And be it further enacted,* That in case there shall be no President of the Senate at the seat of government on the arrival of the persons entrusted with the lists of the votes of the electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept and delivered over as soon as may be, to the President of the Senate.

allowance
to them.

Sec. 7. *And be it further enacted,* That the persons appointed by the electors to deliver the lists of votes to the President of the Senate, shall be allowed on the delivery of the said lists

twenty-five cents for every mile of the estimated distance by the most usual road, from the place of meeting of the electors, to the seat of government of the United States.

Sec. 8. *And be it further enacted*, That if any person appointed to deliver the votes of the electors to the President of the Senate, shall after accepting of his appointment, neglect to perform the services required of him by this act, he shall forfeit the sum of one thousand dollars.

Penalty on
their ne-
glect of du-
ty.

Sec. 9. *And be it further enacted*, That in case of removal, death, resignation or inability both of the President and Vice-President of the United States, the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being, shall act as President of the United States until the disability be removed or a President shall be elected.

Provision
in case of
death, &c.
of presi-
dent and v.
president;

Sec. 10. *And be it further enacted*, That whenever the offices of President and Vice-President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided*, There shall be the space of two months between the date of such notification and the said first Wednesday in December; but if there shall not be the space of two months between the date of such notification and the first Wednes-

duty of S.
of state on
such event.

day in December, and if, the term for which the President and Vice-President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act.

Evidence
of refusal,
&c. of of-
fice of presi-
dent, &c.

Sec. 11. *And be it further enacted*, That the only evidence of a refusal to accept, or of a resignation of the office of President or Vice-President, shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

When the
term of 4
years shall
commence.

Sec. 12. *And be it further enacted*, That the term of four years for which a President and Vice-President shall be elected, shall in all cases commence on the fourth day of March next succeeding the day on which the votes of the electors shall have been given.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, March the 1st, 1792:

GEORGE WASHINGTON,
President of the United States.

CHAPTER IX.

An Act for making farther and more effectual Provision for the Protection of the Frontiers of the United States.

(REPEALED.)

CHAPTER X.

An Act declaring the Consent of Congress to a certain Act of the State of Maryland, and to continue for a longer Time, an Act declaring the Assent of Congress to certain Acts of the States of Maryland, Georgia, and Rhode-Island and Providence Plantations, so far as the same respects the States of Georgia, and Rhode-Island and Providence Plantations.

(EXPIRED.)

CHAPTER XI.

An Act to provide for the Settlement of the Claims of Widows and Orphans barred by the Limitations heretofore established and to regulate the Claims to invalid Pensions.

Section I. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of the resolutions of the late Congress of the United States, passed on the second day of November, one thousand seven hundred and eighty five, and the twen-

Suspension for 2 years of certain resolutions of congress barring claims.

ty third day of July, one thousand seven hundred and eighty seven, so far as they have barred, or may be construed to bar the claims of the widow or orphans of any officer of the late army, to the seven years half pay of such officer, shall, from and after the passing this act, be suspended for and during the term of two years.

Disabled
officers &c.
how to be
placed on
the pension
list.

Sec. 2. *And be it further enacted*, That any commissioned officer, not having received the commutation of half-pay, and any non-commissioned officer, soldier or seaman, disabled in the actual service of the United States, during the late war, by wounds or other known cause, who did not desert from the said service, shall be entitled to be placed on the pension list of the United States, during life or the continuance of such disability, and shall also be allowed such farther sum for the arrears of pension, from the time of such disability, not exceeding the rate of the annual allowance, in consequence of his disability, as the circuit court of the district, in which they respectively reside, may think just. *Provided*, That in every such case, the rules and regulations following shall be complied with; that is to say: First; Every applicant shall attend the court in person, except where it shall be certified by two magistrates that he is unable to do so, and shall produce to the circuit court, the following proofs, to wit: A certificate from the commanding officer of the ship, regiment, corps or company, in which he served, setting forth his disability; and that he was thus disabled while in the service of the United States; or the affidavits of two credible witnesses to the same effect: The affidavits of three reputable freeholders of the city, town, or county, in which he resides, ascertaining of their own know-

ledge, the mode of life, employment, labor, or means of support of such applicant, for the last twelve months. Secondly; The circuit court, upon receipt of the proofs aforesaid, shall forthwith proceed to examine into the nature of the wound, or other cause of disability of such applicant, and having ascertained the degree thereof, shall certify the same, and transmit the result of their enquiry, in case, in their opinion, the applicant should be put on the pension-list, to the Secretary at War, together with their opinion in writing, what proportion of the monthly pay of such applicant will be equivalent to the degree of disability ascertained in manner aforesaid.

Sec. 3. *And be it further enacted*, That the clerk of the district court, in each district, shall publish this act in such manner as the judge of the district court shall think effectual to give general information thereof to the people of the district, and shall give like information of the times and places of holding the circuit courts in such district. And in districts wherein a circuit court is not directed by law to be holden, the judge of the district court shall be, and he hereby is authorized to exercise all the powers given by this act to the respective circuit courts. And it shall be the duty of the judges of the circuit courts respectively, during the term of two years from the passing of this act, to remain at the places where the said courts shall be holden, five days at the least from the time of opening the sessions thereof, that persons disabled as aforesaid, may have full opportunity to make their application for the relief proposed by this act.

Clerk to
publish this
act, giving
notice
when the
district
court meets
&c.

duty of the
judges;

Sec. 4. *And be it further enacted*, That the

of the Sec.
at war.

Secretary at War, upon receipt of the proofs, certificate and opinion aforesaid, shall cause the same to be duly filed in his office, and place the name of such applicant on the pension-list of the United States, in conformity thereto: *Provided always*, That in any case, where the said Secretary shall have cause to suspect imposition or mistake, he shall have power to withhold the name of such applicant from the pension-list, and make report of the same to Congress, at their next session.

Disabled
persons
barred by
limitations,
to be plac-
ed on pen-
sion list.

Sec. 5. *And be it further enacted*, That all non-commissioned officers, soldiers and seamen, disabled in the actual service of the United States, during the late war, whose disability and rate of allowance have been ascertained, pursuant to the regulations prescribed by the late Congress, and have not applied to be placed on the pension-list, until after the time, limited by the act of Congress for that purpose, was expired, shall now be placed on the pension-list, and be entitled to demand and receive their respective pensions, according to the allowances ascertained as aforesaid, any thing in this act, or any act of the late Congress, to the contrary, notwithstanding.

Transfer,
&c. of pen-
sion, before
due, not va-
lid, & how
paid to at-
torney, &c.

Sec. 6. *And be it further enacted*, That from and after the passing of this act, no sale, transfer or mortgage of the whole or any part of the pension or arrearages of pension, payable to any non-commissioned officer, soldier or seaman, before the same shall become due, shall be valid. And every person, claiming such pension or arrears of pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation before some justice of the peace of the place where the same is payable, that such

power or substitution is not given by reason of any transfer of such pension, or arrears of pension, and any person, who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer, as for wilful and corrupt perjury.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, March the 23d, 1792 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XII.

*An Act providing for the Settlement of the Claims
of Persons under particular Circumstances barred
by the Limitations heretofore established.*

Section 1. **B**E it enacted by the Senate and
House of Representatives of the

United States of America in Congress assembled,
That the operation of the resolutions of the
late Congress of the United States, passed on
the second day of November, one thousand
seven hundred and eighty-five, and the twenty-third day of July, one thousand seven hundred and eighty-seven, so far as they have barred, or may be construed to bar the claims of any officer, soldier, artificer, sailor or marine of the late army or navy of the United States, for personal services rendered to the United States, in the military or naval department,

Limitations
of claims
by certain
resolutions,
suspended
for 2 years;

not to extend to claims for rations, &c.

shall from and after the passing of this act, be suspended, for and during the term of two years. And that every such officer, soldier, artificer, sailor and marine having claims for services rendered to the United States, in the military or naval departments, who shall exhibit the same, for liquidation, at the Treasury of the United States, at any time during the said term of two years, shall be entitled to an adjustment, and allowance thereof on the same principles, as if the same had been exhibited, within the term prescribed by the aforesaid resolutions of Congress: *Provided*, That nothing herein shall be construed to extend to claims for rations or subsistence money.

Balances to be registered in name of original claimant, &c.

Sec. 2. *And be it further enacted*, That no balances hereafter to be certified, as due from the United States, shall be registered in any other name, than that of the original claimant, or of his heirs, executors or administrators; and such balances shall be transferable only at the Treasury, by virtue of powers actually executed after such registry, expressing the sum to be transferred, and in pursuance of such general rules, as have been, or shall be prescribed for that purpose.

JONATHAN TRUMBULL, *Speaker*
of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, March the 27th, 1792:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XIII.

An Act for the Relief of certain Widows, Orphans, Invalids, and other Persons.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Comptroller of the Treasury adjust the claims of the widows and orphans respectively, as the case may be, of the late colonel Owen Roberts, captain William White, lieutenant colonel Bernard Elliott, major Samuel Wise, major Benjamin Huger, lieutenant John Bush, and major Charles Motte, deceased, all of whom were killed or died in the service of the United States, for the seven years half-pay stipulated by the resolve of Congress of the twenty-fourth day of August, one thousand seven hundred and eighty; and that the Register of the Treasury do issue his certificates accordingly.

Comptroller to adjust the claims of certain widows and orphans.

for 7 years half-pay, &c.

Sec. 2. *And be it further enacted,* That the Secretary of the department of war be, and he hereby is required to place on the invalid list, Timothy Mix, disabled in the late war, by the loss of his right hand, while in the service of the United States, at the rate of five dollars per month, to commence on the fourth day of February one thousand seven hundred and eighty-three. That the said Secretary place on the invalid list, Abel Turney, mariner, disabled while in the service of the United States, at the rate of one dollar per month, to commence on the first day of January, one thousand seven hundred and eighty-one.

Timothy Mix and Abel Turney placed on pension list.

Sec. 3. *And be it further enacted,* That the
VOL. II. E

arrears of the said pensions be paid as the laws direct in similar cases.

Comptrol-
ler to adjust
the account
of Joseph
Pannil.

of the late
Brig. Gen.
De Haas.

Thomas
M'Intire.

and register
to issue cer-
tificates.

Comptrol-
ler to adjust
the account
of Francis
Suzor De-
bevere.

Sec. 4. *And be it further enacted*, That the Comptroller of the Treasury be, and he hereby is required to adjust the accounts of Joseph Pannil, a lieutenant-colonel in the service of the United States, as a deranged officer upon the principles of the act of the late Congress, of the third of October one thousand seven hundred and eighty, and to allow him the usual commutation of the half-pay for life of a lieutenant-colonel, and that the Register of the Treasury be, and he hereby is required to grant a certificate for the amount of the balance due to him. That the Comptroller adjust the account of the late brigadier general De Haas, admitting to the credit of the said account, such sums as by evidence shall appear to have been advanced for the public service, and which have been charged by the United States to the officers who have received the same for the public service, and that the said Register do grant a certificate for the balance due on such settlement. The said Comptroller adjust the account of Thomas M'Intire, a captain in the service of the United States, during the late war, and allow him the usual commutation of the half-pay for life of a captain, and that the said Register grant a certificate for the amount thereof accordingly.

Sec. 5. *And be it further enacted*, That the Comptroller of the Treasury be, and he hereby is required to adjust the account of Francis Suzor Debevere, a surgeon's mate in the service of the United States during the late war, and who remained in captivity to the end thereof, and that the Register of the Treasury be, and

he hereby is required to grant a certificate for the amount which shall be found due for the services of the said Francis Suzor Debevere. That the said Comptroller adjust the account of Robert King, as a lieutenant, deranged upon the principles of the act of the late Congress, passed the twenty-fourth day of November, one thousand seven hundred and seventy-eight, and that the said Register grant a certificate accordingly. That the Comptroller adjust the account of Lemuel Sherman, as a sailing master of a galley on Lake Champlain, and as such taken prisoner; and that the said Register grant a certificate accordingly.

Robt. King.

Lemuel Sherman,
and register
to grant
certificates.

Sec. 6. *And be it further enacted*, That there be granted to Nicholas Ferdinand Westfall, who left the British service and joined the army of the United States, during the late war, one hundred acres of unappropriated land in the western territory of the United States, free of all charges, and also the sum of three hundred and thirty-six dollars, out of any money appropriated to the contingent charges of government.

Nicholas F. Westfall,
grant of
land and
336 dollars.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, March the 27th, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XIV.

An Act supplemental to the Act for making farther and more effectual Provision for the Protection of the Frontiers of the United States.

(REPEALED.)

CHAPTER XV.

An Act for finishing the Light-House on Bald-head at the Mouth of Cape Fear River in the State of North-Carolina.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, under the direction of the President of the United States, be authorized, as soon as may be, to cause to be finished in such manner as shall appear advisable, the light-house heretofore begun under the authority of the state of North-Carolina, on Bald-head, at the mouth of Cape Fear river, in the said state : And that a sum, not exceeding four thousand dollars, be appropriated for the same, out of any monies heretofore appropriated, which may remain unexpended, after satisfying the purposes for which they were appropriated, or out of any other monies, which may be in the Treasury, not subject to any prior appropriation.

Secretary
of treasury
to finish the
light-house
on Bald-
head in N.
Carolina.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, April the second, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XVI.

An Act establishing a Mint, and regulating the Coins of the United States.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared, That a mint for the purpose of a national coinage, be, and the same is established; to be situate and carried on at the seat of the government of the United States, for the time being: And that for the well conducting of the business of the said mint, there shall be the following officers and persons, namely; a Director, an Assayer, a Chief Coiner, an Engraver, a Treasurer.

Mint established.

Sec. 2. *And be it further enacted*, That the Director of the mint shall employ as many clerks, workmen and servants, as he shall from time to time find necessary, subject to the approbation of the President of the United States.

Director to employ workmen, &c.

Sec. 3. *And be it further enacted*, That the respective functions and duties of the officers above mentioned shall be as follow: The Director of the mint shall have the chief management of the business thereof, and shall superintend all other officers and persons who shall be employed therein. The assayer shall receive and give receipts for all metals which may lawfully be brought to the mint to be coined; shall assay all such of them as may require it, and shall deliver them to the chief coiner to be coined. The chief coiner shall cause to be coined all metals which shall be received by him for that purpose, according to such regulations as shall be prescribed by this or any future law. The engraver shall sink and pre-

Duty of the officers.

pare the necessary dies for such coinage, with the proper devices and inscriptions, but it shall be lawful for the functions and duties of chief coiner and engraver to be performed by one person. The treasurer shall receive from the chief coiner all the coins which shall have been struck, and shall pay or deliver them to the persons respectively to whom the same ought to be paid or delivered: He shall moreover receive and safely keep all monies which shall be for the use, maintenance and support of the mint, and shall disburse the same upon warrants signed by the director.

To take
oath.

Sec. 4. *And be it further enacted*, That every officer and clerk of the said mint shall, before he enters upon the execution of his office, take an oath or affirmation before some judge of the United States faithfully and diligently to perform the duties thereof.

And give
bond.

Sec. 5. *And be it further enacted*, That the said assayer, chief coiner and treasurer, previously to entering upon the execution of their respective offices, shall each become bound to the United States of America, with one or more sureties to the satisfaction of the Secretary of the Treasury, in the sum of ten thousand dollars, with condition for the faithful and diligent performance of the duties of his office.

Salaries.

Sec. 6. *And be it further enacted*, That there shall be allowed and paid as compensations for their respective services: To the said director, a yearly salary of two thousand dollars, to the said assayer, a yearly salary of one thousand five hundred dollars, to the said chief coiner, a yearly salary of one thousand five hundred dollars, to the said engraver, a yearly salary of one thousand two hundred dollars, to the said

treasurer a yearly salary of one thousand two hundred dollars, to each clerk who may be employed, a yearly salary not exceeding five hundred dollars, and to the several subordinate workmen and servants, such wages and allowances as are customary and reasonable, according to their respective stations and occupations.

Sec. 7. *And be it further enacted*, That the accounts of the officers and persons employed in and about the said mint and for services performed in relation thereto, and all other accounts concerning the business and administration thereof, shall be adjusted and settled in the treasury department of the United States, and a quarter yearly account of the receipts and disbursements of the said mint shall be rendered at the said treasury for settlement, according to such forms and regulations as shall have been prescribed by that department; and that once in each year a report of the transactions of the said mint, accompanied by an abstract of the settlements which shall have been from time to time made, duly certified by the Comptroller of the Treasury, shall be laid before Congress for their information.

Accounts
how and
where to be
settled.

Sec. 8. *And be it further enacted*, That in addition to the authority vested in the President of the United States by a resolution of the last session, touching the engaging of artists and the procuring of apparatus for the said mint, the President be authorized, and he is hereby authorized to cause to be provided and put in proper condition such buildings, and in such manner as shall appear to him requisite for the purpose of carrying on the business of the said mint; and that as well the expenses which shall have been incurred pursuant to the said resolution as those which may

President
of U. S. to
cause build-
ings to be
provided.

be incurred in providing and preparing the said buildings, and all other expenses which may hereafter accrue for the maintenance and support of the said mint, and in carrying on the business thereof, over and above the sums which may be received by reason of the rate per centum for coinage herein after mentioned, shall be defrayed from the Treasury of the United States, out of any monies which from time to time shall be therein, not otherwise appropriated.

expense
how to be
defrayed.

Species of
the coins to
be struck.

Sec. 9. *And be it further enacted*, That there shall be from time to time struck and coined at the said mint, coins of gold, silver and copper, of the following denominations, values and descriptions, viz. **EAGLES** : each to be of the value of ten dollars or units, and to contain two hundred and forty seven grains and four eighths of a grain of pure, or two hundred and seventy grains of standard gold. **HALF EAGLES** : each to be of the value of five dollars, and to contain one hundred and twenty three grains and six eighths of a grain of pure, or one hundred and thirty five grains of standard gold. **QUARTER EAGLES** : each to be of the value of two dollars and a half dollar, and to contain sixty one grains and seven eighths of a grain of pure, or sixty seven grains and four eighths of a grain of standard gold. **DOLLARS or UNITS** : each to be of the value of a Spanish milled dollar as the same is now current, and to contain three hundred and seventy one grains and four sixteenth parts of a grain of pure, or four hundred and sixteen grains of standard silver. **HALF DOLLARS** : each to be of half the value of the dollar or unit, and to contain one hundred and eighty five grains and ten sixteenth parts of a grain

of pure, or two hundred and eight grains of standard silver. **QUARTER DOLLARS**: each to be of one fourth the value of the dollar or unit, and to contain ninety two grains and thirteen sixteenth parts of a grain of pure, or one hundred and four grains of standard silver. **DISMES**: each to be of the value of one tenth of a dollar or unit, and to contain thirty seven grains and two sixteenth parts of a grain of pure, or forty one grains and three fifth parts of a grain of standard silver. **HALF DISMES**: each to be of the value of one twentieth of a dollar, and to contain eighteen grains and nine sixteenth parts of a grain of pure, or twenty grains and four fifth parts of a grain of standard silver. **CENTS**: each to be of the value of the one hundredth part of a dollar, and to contain eleven penny-weights of copper. **HALF CENTS**: each to be of the value of half a cent, and to contain five penny weights and half a penny weight of copper.

Sec. 10. *And be it further enacted*, That upon the said coins respectively there shall be the following devices and legends namely: Upon one side of each of the said coins there shall be an impression emblematic of liberty, with an inscription of the word Liberty, and the year of the coinage; and upon the reverse of each of the gold and silver coins there shall be the figure or representation of an eagle, with this inscription, "UNITED STATES OF AMERICA," and upon the reverse of each of the copper coins, there shall be an inscription which shall express the denomination of the piece, namely, cent or half cent, as the case may require.

Sec. 11. *And be it further enacted*, That the proportional value of gold to silver in all coins which shall by law be current as money within

of what devices.

Proportional value of gold to silver.

The United States, shall be as fifteen to one, according to quantity in weight, of pure gold or pure silver; that is to say, every fifteen pounds weight of pure silver shall be of equal value in all payments, with one pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.

Standard
for gold
coins and
alloy how
to be regu-
lated.

Sec. 12. *And be it further enacted*, That the standard for all gold coins of the United States, shall be eleven parts fine to one part alloy; and accordingly that eleven parts in twelve of the entire weight of each of the said coins shall consist of pure gold, and the remaining one twelfth part of alloy; and the said alloy shall be composed of silver and copper, in such proportions not exceeding one half silver as shall be found convenient; to be regulated by the Director of the mint, for the time being, with the approbation of the President of the United States, until further provision shall be made by law. And to the end that the necessary information may be had in order to the making of such further provision, it shall be the duty of the Director of the mint, at the expiration of a year after commencing the operations of the said mint, to report to Congress the practice thereof during the said year, touching the composition of the alloy of the said gold coins, the reasons for such practice, and the experiments and observations which shall have been made concerning the effects of different proportions of silver and copper in the said alloy.

Director's
duty.

Standard
for silver
coins; al-
loy how to
be regula-
ted.

Sec. 13. *And be it further enacted*, That the standard for all silver coins of the United States, shall be one thousand four hundred and eighty five parts fine to one hundred and seventy nine

parts alloy ; and accordingly that one thousand four hundred and eighty five parts in one thousand six hundred and sixty four parts of the entire weight of each of the said coins shall consist of pure silver, and the remaining one hundred and seventy nine parts of alloy ; which alloy shall be wholly of copper.

Sec. 14. *And be it further enacted*, That it shall be lawful for any person or persons to bring to the said mint gold and silver bullion, in order to their being coined ; and that the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and that free of expence to the person or persons by whom the same shall have been brought. And as soon as the said bullion shall have been coined, the person or persons by whom the same shall have been delivered, shall upon demand receive in lieu thereof coins of the same species of bullion which shall have been so delivered, weight for weight, of the pure gold or pure silver therein contained : *Provided nevertheless*, That it shall be at the mutual option of the party or parties bringing such bullion, and of the director of the said mint, to make an immediate exchange of coins for standard bullion, with a deduction of one half per cent from the weight of the pure gold, or pure silver contained in the said bullion, as an indemnification to the mint for the time which will necessarily be required for coining the said bullion, and for the advance which shall have been so made in coins. And it shall be the duty of the Secretary of the Treasury to furnish the said mint from time to time whenever the state of the treasury will admit thereof, with such sums as may be necessary for effecting the said exchanges, to be replaced as spee-

Persons may bring gold and silver bullion, to be coined free of expence.

how the director may exchange coins therefor, deducting half per cent.

Duty of Secretary of treasury herein.

the half per
cent to con-
stitute a
fund, &c.

dily as may be out of the coins which shall have been made of the bullion for which the monies so furnished shall have been exchanged; and the said deduction of one half per cent shall constitute a fund towards defraying the expenses of the said mint.

Order of
delivering
coins to
persons
bringing
bullion and
penalty on
giving un-
due prefer-
ence, &c.

Sec. 15. *And be it further enacted*, That the bullion which shall be brought as aforesaid to the mint to be coined, shall be coined, and the equivalent thereof in coins rendered, if demanded, in the order in which the said bullion shall have been brought or delivered, giving priority according to priority of delivery only, and without preference to any person or persons; and if any preference shall be given contrary to the direction aforesaid, the officer by whom such undue preference shall be given, shall in each case forfeit and pay one thousand dollars; to be recovered with costs of suit. And to the end that it may be known if such preference shall at any time be given, the assayer or officer to whom the said bullion shall be delivered to be coined, shall give to the person or persons bringing the same, a memorandum in writing under his hand, denoting the weight, fineness and value thereof, together with the day and order of its delivery into the mint.

Coins made
a lawful
tender.

Sec. 16. *And be it further enacted*, That all the gold and silver coins which shall have been struck at, and issued from the said mint, shall be a lawful tender in all payments whatsoever, those of full weight according to the respective values herein before declared, and those of less than full weight at values proportional to their respective weights.

Sec. 17. *And be it further enacted*, That it

shall be the duty of the respective officers of the said mint, carefully and faithfully to use their best endeavours that all the gold and silver coins which shall be struck at the said mint shall be, as nearly as may be, conformable to the several standards and weights aforesaid, and that the copper whereof the cents and half cents aforesaid may be composed, shall be of good quality.

and to be made conformable to the standard weights, &c.

Sec. 18. And the better to secure a due conformity of the said gold and silver coins to their respective standards, *Be it further enacted*, That from every separate mass of standard gold or silver, which shall be made into coins at the said mint, there shall be taken, set apart by the Treasurer and reserved in his custody a certain number of pieces, not less than three, and that once in every year the pieces so set apart and reserved, shall be assayed under the inspection of the Chief Justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary for the Department of State, and the Attorney General of the United States (who are hereby required to attend for that purpose at the said mint, on the last Monday in July in each year) or under the inspection of any three of them, in such manner as they or a majority of them shall direct, and in the presence of the director, assayer and chief coin-er of the said mint; and if it shall be found that the gold and silver so assayed, shall not be inferior to their respective standards herein before declared more than one part in one hundred and forty four parts, the officer or officers of the said mint whom it may concern shall be held excusable; but if any greater inferiority shall appear, it shall be certified to the President of the United States, and the said officer

The treasurer to reserve not less than 3 pieces of each coin to be assayed.

when and by whom, &c.

or officers shall be deemed disqualified to hold their respective offices.

Penalty on
debasing
the coins.

Sec. 19. *And be it further enacted*, That if any of the gold or silver coins which shall be struck or coined at the said mint, shall be debased or made worse as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be pursuant to the directions of this act, through the default or with the connivance of any of the officers or persons who shall be employed at the said mint, for the purpose of profit or gain, or otherwise with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall at any time be committed to their charge for the purpose of being coined, or any of the coins which shall be struck or coined at the said mint, every such officer or person who shall commit any or either of the said offences, shall be deemed guilty of felony, and shall suffer death..

Money of
account to
be expressed
in dollars,
&c.

Sec. 20. *And be it further enacted*, That the money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents or hundredths, and milles or thousandths, a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mille the thousandth part of a dollar, and that all accounts in the public offices and all proceedings in the courts of the United States shall be kept and had in conformity to this regulation.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States and President of the Senate.*

APPROVED, April the second, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XVII.

An Act supplementary to the Act for the establishment and Support of Light-Houses, Beacons, Buoys, and Public Piers.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all expenses which shall accrue from the first day of July next, inclusively, for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, the stakeage of channels, on the sea coast, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-three, notwithstanding such light-houses, beacons, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not in the mean time be ceded to, or vested in the United States, by the state or states respectively, in which the same may be, and that the said time be further allowed, to the states respectively to make such cession.

Expenses
of beacons,
&c. to be
borne till
July 1793.

Sec. 2. *And be it further enacted,* That the Secretary of the Treasury be authorized to cause to be provided, erected, and placed, a floating beacon, and as many buoys, as may be necessary for the security of navigation, at, and near the entrance of the harbor of Charleston, in the state of South-Carolina. And also to have affixed three floating beacons in the bay of Chesapeak; one at the north end of Willoughby's Spit, another at the tail of the

Floating
beacons to
be placed
at Charle-
ton harbor
and Ches-
apeak bay.

Horse-Shoe; and the third on the shoalest place of the middle ground.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, April twelfth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XVIII.

*An Act to erect a Light-House on Montok Point
in the State of New-York.*

Light-
house on
certain
conditions
to be built
on Montok
Point in
state of
New-York.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That as soon as the jurisdiction of such land on Montok point in the state of New-York, as the President of the United States shall deem sufficient and most proper for the convenience and accommodation of a light-house shall have been ceded to the United States, it shall be the duty of the Secretary of the Treasury, to provide by contract, which shall be approved by the President of the United States, for building a light-house thereon, and for furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same; and the President is hereby authorized to make the said appointments. That the number and disposi-

tion of the lights in the said light-house shall be such as may tend to distinguish it from others, and as far as is practicable, prevent mistakes.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, April twelfth, 1792:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XIX.

*An Act for ascertaining the Bounds of a Tract
of Land purchased by John Cleves Symmes.*

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized at the request of John Cleves Symmes or his agent or agents, to alter the contract made between the late board of treasury and the said John Cleves Symmes for the sale of a tract of land of one million of acres, in such manner that the said tract may extend from the mouth of the Great Miami, to the mouth of the Little Miami, and be bounded by the river Ohio, on the south, by the Great Miami on the west, by the Little Miami on the east, and by a parallel of latitude on the north extending from the Great Miami to the Little Miami,

Bounds of
John C.
Symmes'
purchase of
land.

reservation
of lands at
Washing-
ton.

for as to comprehend the proposed quantity of one million of acres, provided that the northern limits of the said tract shall not interfere with the boundary line established by the treaty of fort Harmar, between the United States, and the Indian nations, and provided also that the President reserve to the United States, such lands at and near fort Washington as he may think necessary for the accommodation of a garrison at that fort.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, April twelfth, 1792 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XX.

An Act for fixing the Compensations of the Door-keepers of the Senate and House of Representatives in Congress.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the termination of the present session of Congress, the doorkeepers of the Senate and House of Representatives, shall each be allowed a salary of five hundred dollars per annum, in full compensation for their services in the said offices ; and that the assistant doorkeeper.

Salary of
door keep-
ers of Con-
gress after
present ses-
sion.

to each House shall be allowed in full compensation for all his services, the sum of four hundred and fifty dollars per annum. And it shall be the duty of the said doorkeepers to do the usual services pertaining to their respective offices during the session of Congress, and in the recess, under the direction of the Secretary of the Senate and Clerk of the House of Representatives, to take care of the apartments occupied by the respective Houses, and provide fuel and other accommodations for their subsequent session. And the said compensations shall be certified and paid in like manner as is provided by law, for the other officers of the Senate and House of Representatives.

Salary of
door keep-
ers of Con-
gress after
present ses-
sion.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, April twelfth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXI.

An Act for altering the Times of holding the Circuit Courts, in certain Districts of the United States, and for other Purposes.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this act the circuit courts in the districts of North-Caroli-

Times for
holding cir-
cuit courts
in certain
districts al-
tered.

na and Georgia shall be held as follows, to wit: in the district of North-Carolina on the first day of June and the thirtieth day of November at Newbern in the present and each succeeding year. And all writs and recognizances returnable and suits and other proceedings that were continued to the circuit court for the district of North-Carolina on the eighteenth day of June next shall now be returned and held continued to the same court on the first day of June next. In the district of Georgia on the twenty-fifth day of April at Savannah, and on the eighth day of November at Augusta in the present and each succeeding year except when any of those days shall happen on a Sunday in which case the court shall be held on the Monday following.

When ses-
sions of the
eastern cir-
cuit shall
commence.

Sec. 2. *And be it further enacted,* That the sessions of the circuit courts in the eastern circuit shall in the present and every succeeding year commence at the times following, that is to say, in New-York district on the fifth day of April and the fifth day of September. In Connecticut district on the twenty-fifth day of April and the twenty-fifth day of September. In Massachusetts district on the twelfth day of May and the twelfth day of October. In New-Hampshire district on the twenty-fourth day of May and the twenty-fourth day of October and in Rhode-Island district on the seventh day of June and the seventh day of November except when any of those days shall happen on a Sunday and then the sessions shall commence on the next day following. And the sessions of the circuit court shall be held in the district of Virginia at the city of Richmond only. In New-Hampshire district at Portsmouth and Exeter alternately, beginning at the first. In Mas-

Massachusetts district at Boston. In Rhode Island district at New-Port and Providence alternately beginning at the first. In Connecticut district at Hartford and New-Haven alternately, beginning at the last. And in New York district at the city of New-York only.

Sec. 3. *And be it enacted*, That at each session of the supreme court of the United States or as soon after as may be, the judges of the supreme court attending at such session shall in writing subscribed with their names (which writing shall be lodged with the clerk of the supreme court and safely kept in his office) assign to the said judges respectively the circuits which they are to attend at the ensuing sessions of the circuit courts; which assignment shall be made in such manner that no judge, unless by his own consent shall have assigned to him any circuit which he hath already attended until the same hath been afterwards attended by every other of the said judges. *Provided always*, That if the public service or the convenience of the judges shall at any time, in their opinion, require a different arrangement, the same may take place with the consent of any four of the judges of the supreme court.

Judges of
supreme
court at
each session
to deter-
mine the
circuits
they are
respective-
ly to attend,
&c.

Sec. 4. *And be it further enacted*, That the district court for the district of Maine, which, by the act, intituled "An act to establish the judicial courts of the United States," is holden on the first Tuesday of June, annually, at Portland, shall, from and after the passing of this act, be holden on the third Tuesday of June, annually, any thing in the act aforesaid to the contrary notwithstanding: and all writs and recognizances returnable, and suits and other proceedings, that were continued to the

session of
Maine dis-
trict,

district court for the district of Maine on the first Tuesday of June next, shall now be returnable and held continued to the same court, on the third Tuesday of June next.

and of N.
Carolina,
altered.

Sec. 5. *And be it further enacted*, That the stated district courts for the district of North-Carolina, shall in future, be held at the towns of Newbern, Wilmington and Edenton in rotation, beginning at Newbern, as the said court now stands adjourned.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, April thirteenth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXII.

An Act to compensate the Corporation of Trustees of the Public Grammar-School and Academy of Wilmington in the State of Delaware, for the Occupation of, and Damage done to the said School, during the late War.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as an indemnification to the corporation of Trustees of the public grammar-school and academy of Wilmington in the state of Delaware, for the use and occupation of the said school, and the da-

Compensa-
tion al-
lowed Wil-
mington
academy.

mages done to the same by the troops of the United States, during the late war, there be granted to the said corporation of Trustees, a reasonable compensation, payable out of any unappropriated money in the treasury of the United States, which compensation shall be ascertained by the accounting officers of the treasury.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, April thirteenth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXIII.

*An Act for apportioning Representatives among
the several States, according to the first Enu-
meration.*

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March one thousand seven hundred and ninety-three, the House of Representatives shall be composed of members elected agreeably to a ratio of one member for every thirty-three thousand persons in each state, computed according to the rule prescribed by the constitution ; that is to say : Within the state of New-Hampshire, four ; within the state

Apportion-
ment of re-
presenta-
tives to
Congress
according
to 1st enu-
meration.

of Massachusetts, fourteen ; within the state of Vermont, two ; within the state of Rhode-Island, two ; within the state of Connecticut, seven ; within the state of New-York, ten ; within the state of New-Jersey, five ; within the state of Pennsylvania, thirteen ; within the state of Delaware, one ; within the state of Maryland, eight ; within the state of Virginia, nineteen ; within the state of Kentucky, two ; within the state of North-Carolina, ten ; within the state of South-Carolina, six ; and within the state of Georgia, two members.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, April fourteenth, 1792 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XXIV.

An Act concerning Consuls and Vice-Consuls.

FOR carrying into full effect the convention between the King of the French, and the United States of America, entered into for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice-Consuls ;

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where in the*

seventh article of the said convention, it is agreed that when there shall be no consul or vice-consul of the King of the French, to attend to the saving of the wreck of any French vessels stranded on the coasts of the United States, or that the residence of the said consul, or vice-consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed to perform the office therein prescribed; the district judge of the United States of the district in which the wreck shall happen, shall proceed therein, according to the tenor of the said article. And in such cases it shall be the duty of the officers of the customs within whose districts such wrecks shall happen, to give notice thereof, as soon as may be, to the said judge, and to aid and assist him to perform the duties hereby assigned to him. The district judges of the United States shall also, within their respective districts, be the competent judges, for the purposes expressed in the ninth article of the said convention, and it shall be incumbent on them to give aid to the consuls and vice-consuls of the King of the French, in arresting and securing deserters from vessels of the French nation according to the tenor of the said article.

Duty of
consuls and
dist. judges
concerning
wrecks.

And where by any article of the said Convention, the consuls and vice consuls of the King of the French, are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the marshals of the United States, and their deputies, shall, within their respective districts, be the competent officers, and shall give their aid according to the tenor of the stipulations.

Duty of
marshals.

Where
commit-
ments shall
be made.

And whenever commitments to the jails of the country shall become necessary in pursuance of any stipulation of the said Convention, they shall be to such jails within the respective districts as other commitments under the authority of the United States are by law made.

And for the direction of the consuls and vice consuls of the United States in certain cases.

Right of
consuls and
vice-con-
suls,

Sec. 2. *Be it enacted by the authority aforesaid,* That they shall have right in the ports or places to which they are or may be severally appointed of receiving the protests or declarations, which such captains, masters, crews, passengers and merchants, as are citizens of the United States may respectively chuse to make there; and also such as any foreigner may chuse to make before them relative to the personal interest of any citizens of the United States; and the copies of the said acts duly authenticated by the said consuls or vice consuls, under the seal of their consulates, respectively, shall receive faith in law, equally as their originals would in all courts in the United States. It shall be their duty where the laws of the country permit, to take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any ship or vessel who shall die within their consulate; leaving there no legal representative, partner in trade or trustee by him appointed to take care of his effects, they shall inventory the same with the assistance of two merchants of the United States, or for want of them, of any others at their choice; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted; shall sell at auction after reasonable public notice such

to take
charge of
personal
estates of
deceased
persons, &c.

To collect
debts, &c.
and trans-
mit balance
to the trea-
sury of the
U. S. if not
called for
by legal re-
presenta-
tive.

part of the estate as shall be of a perishable nature and such further part, if any, as shall be necessary for the payment of his debts, and at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the treasury of the United States, to be holden in trust for the legal claimants. But if at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings.

For the information of the representative of the deceased, it shall be the duty of the consul or vice consul authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the state to which the deceased shall belong; and he shall also, as soon as may be, transmit to the Secretary of State, an inventory of the effects of the deceased taken as before directed.

Consul to notify the death in a gazette published in the consulate.

Sec. 3. *And be it further enacted*, That the said consuls and vice consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandize saved, and for taking an inventory or inventories thereof; and the merchandize and effects saved with the inventory or inventories thereof taken as aforesaid, shall, after deduc-

Duty as to stranded vessels.

ling therefrom the expense, be delivered to the owner or owners. *Provided*, That no consul or vice consul shall have authority to take possession of any such goods, wares, merchandize or other property, when the master, owner or consignee thereof is present or capable of taking possession of the same.

Fees.

Sec. 4. *And be it further enacted*, That it shall and may be lawful for every consul and vice-consul of the United States, to take and receive the following fees of office for the services which he shall have performed.

For authenticating under the consular seal, every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants or others as are citizens of the United States may respectively chuse to make, the sum of two dollars.

For the taking into possession, inventorying, selling and finally settling and paying, or transmitting as aforesaid, the balance due on the personal estate left by any citizen of the United States who shall die within the limits of his consulate five per centum on the gross amount of such estate.

For taking into possession and otherwise proceeding on any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is herein before directed two and an half per centum on such part delivered over as shall not be in money, and five per centum on the gross amount of the residue.

Consuls to
receipt for
them.

And it shall be the duty of the consuls and vice-consuls of the United States, to give receipts for all fees which they shall receive by

virtue of this act; expressing the particular services for which they are paid.

Sec. 5. *And be it further enacted*, That in case it be found necessary for the interest of the United States, that a consul or consuls be appointed to reside on the coast of Barbary, the President be authorized to allow an annual salary, not exceeding two thousand dollars to each person so to be appointed: *Provided*, That such salary be not allowed to more than one consul for any one of the states on the said coast.

President authorized to grant a salary to consuls in Barbary.

Sec. 6. *And be it further enacted*, That every consul and vice consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or if resident in Asia, within two years, give bond with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and also for truly accounting for all monies, goods and effects which may come into his possession by virtue of this act: and the said bond shall be lodged in the office of the Secretary of the Treasury.

Consuls to give bond with sureties to be approved by the Secretary of State;

where to be lodged.

Sec. 7. *And be it further enacted*, That to prevent the mariners and seamen, employed in vessels belonging to citizens of the United States, in cases of shipwreck, sickness or captivity, from suffering in foreign ports, it shall be the duty of the consuls and vice consuls respectively, from time to time to provide for them in the most reasonable manner, at the expense of the United States, subject to such instruc-

Provision for mariners left in foreign ports.

tions as the Secretary of State shall give, and not exceeding an allowance of twelve cents to a man per diem; and all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls or vice consuls respectively, and to transport them to the port, in the United States to which such ships or vessels may be bound free of costs or charge; but that the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels according to their several abilities: *Provided*, That no master or captain of any ship or vessel, shall be obliged to take a greater number than two men to every one hundred tons burthen of the said ship or vessel, on any one voyage: and if any such captain or master shall refuse the same on the request or order of the consul or vice consul, such captain or master shall forfeit and pay the sum of thirty dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States by the said consul or vice-consul in his own name, in any court of competent jurisdiction.

Duty of
masters of
vessels re-
specting
discharged
seamen and
of consuls
neglecting
it.

Sec. 8. *And be it further enacted*, That where a ship or vessel belonging to citizens of the United States is sold in a foreign port or place, the master, unless the crew are liable by their contract or do consent to be discharged there, shall send them back to the state where they entered on board, or furnish them with means sufficient for their return, to be ascertained by the consul or vice consul of the United States, having jurisdiction of the port or place. And in case of the masters refusal,

the said consul or vice consul may (if the laws of the land permit it) cause his ship, goods and person to be arrested and held until he shall comply with his duty herein.

Sec. 9. *And be it further enacted*, That the specification of certain powers and duties, in this act, to be exercised or performed by the consuls and vice consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention under which they may act. Powers defined.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, April fourteenth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXV.

*An Act authorizing the Grant and Conveyance of
certain Lands to the Ohio Company of Associates.*

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain contract expressed in an indenture executed on the twenty seventh day of October, in the year one thousand seven hundred and eighty seven, between the then board of treasury for the United States of America, Certain tract of land contracted for in 1787.

of the one part, and Manasseh Cutler, and Winthrop Sergeant, as agents for the directors of the Ohio Company of associates, of the other part, so far as the same respects the following described tract of land; that is to say: "Beginning at a station where the western boundary line of the seventh range of townships, laid out by the authority of the United States in Congress assembled, intersects the river Ohio; thence extending along the river south-westerly to a place where the western boundary line of the fifteenth range of townships, when laid out agreeably to the land ordinance passed the twentieth day of May, one thousand seven hundred and eighty five, would touch the said river; thence running northerly on the said western bounds of the said fifteenth range of townships, 'till a line drawn due east to the western boundary line of the said seventh range of townships, will comprehend, with the other lines of this tract, seven hundred and fifty thousand acres of land, besides the several lots and parcels of land in the said contract reserved or appropriated to particular purposes; thence running east to the western boundary line of the said seventh range of townships, and thence along the said line to the place of beginning," be and the same is hereby confirmed: And that the President of the United States be and he hereby is authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting and conveying to Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, and to their heirs and assigns, in fee simple, the said described tract of land, with the reservations in the said indenture expressed, in trust for the persons composing the said Ohio Company of

Confirmed,
and President of U.S.
to grant
letters patent in the
name of
Rufus Putnam, &c.

Associates, according to their several rights and interests, and for their heirs and assigns, as tenants in common.

Sec. 2. *And be it further enacted*, That the President be and he hereby is further authorized and empowered, by letters-patent as aforesaid; to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver and Griffin Green, and to their heirs and assigns, in trust, for the uses above expressed, one other tract of two hundred and fourteen thousand, two hundred and eighty-five acres of land. *Provided*, That the said Rufus Putnam, Manasseh Cutler, Robert Oliver and Griffin Green, or either of them, shall deliver to the Secretary of the Treasury within six months, warrants which issued for army bounty-rights sufficient for that purpose, according to the provision of a resolve of Congress of the twenty third day of July, one thousand seven hundred and eighty-seven.

To grant
one other
tract to
Rufus Put-
nam, &c.

on certain
conditions.

Sec. 3. *And be it further enacted*, That the President be and he hereby is further authorized and empowered by letters-patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver and Griffin Green, and to their heirs and assigns, in fee simple, in trust for the uses above expressed, a farther quantity of one hundred thousand acres of land. *Provided always nevertheless*, That the said grant of one hundred thousand acres shall be made on the express condition of becoming void, for such part thereof, as the said company shall not have, within five years from the passing of this act, conveyed in fee simple, as a bounty and free of expense, in tracts of one hundred acres, to each male per-

To grant
one other
tract to Ru-
fus Put-
nam, &c.

On an ex-
press con-
dition.

son, not less than eighteen years of age, being an actual settler at the time of such conveyance.

Where to
be located.

Sec. 4. *And be it further enacted*, That the said quantities of two hundred and fourteen thousand, two hundred and eighty-five acres, and of one hundred thousand acres, shall be located within the limits of the tract of one million, five hundred thousand acres of land, described in the indenture aforesaid, and adjoining to the tract of land described in the first section of this act, and in such form as the President in the letters patent, shall prescribe for that purpose.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, April twenty first, 1792 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XXVI.

An Act to indemnify the Estate of the late Major General Nathaniel Green, for a certain Bond entered into by him during the late War.

Estate of
the late
General
Green, in-
demnified
for amount
of a certain
bond.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the United States shall and will indemnify the estate of the late General Green, for the sum of eight thousand six hundred and eighty eight pounds six shil-

lings sterling money, being the amount due on the first day of May, one thousand seven hundred and eighty-six, on a certain bond executed to Messieurs Newcomen and Collet, by the said General Green, as surety for John Banks and Company, and the interest thereon ; excepting therefrom a certain conditional bond given in June one thousand seven hundred and eighty six, for about one thousand six hundred pounds sterling, (be the same more or less) being part of the aforesaid sum of eight thousand six hundred and eighty eight pounds six shillings, which was to be paid, only in case the said General Green should recover from the said Banks, or Banks and Company, a sum sufficient for his indemnity ; *Provided*, it shall appear upon due investigation, by the officers of the Treasury, that the said General Green, in his life-time, or his executors, since his decease, have not been already indemnified, or compensated for the said sum of eight thousand six hundred and eighty eight pounds six shillings, except as aforesaid : *And also provided*, That the said executors shall account for a sum being about two thousand pounds sterling, (be the same more or less) recovered of John Ferrie, one of the partners of the said Banks and Company, by the said executors, to be in part of the indemnification aforesaid ; and also shall make over to the Comptroller of the Treasury and his successors, for the United States, all mortgages, bonds, covenants, or other counter-securities whatsoever, now due, which were obtained by the said General Green, in his life-time, from the said Banks and Company, on account of his being surety for them as aforesaid, to be sued for in the name of the said executors for the use of the United States,

on certain conditions,

duty of the
officers of
the treasury
herein.

And the officers of the Treasury are hereby authorized to liquidate and settle the sum due to the estate of the said General Green, to indemnify the same, as aforesaid, according to the true intent and meaning of this act, and to pay the same, out of the Treasury of the United States, to the said executors, to be accounted for by them, as part of the said estate.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, April twenty-seventh, 1792 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XXVII.

*An Act for raising a farther sum of Money for
the Protection of the Frontiers, and for other
Purposes therein mentioned.*

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after last day of June next, the duties now in force upon the articles hereinafter enumerated and described, at their importation into the United States, shall cease, and that in lieu thereof, there shall be thenceforth laid, levied and collected upon the said articles, at their said importation, the several and respective rates or duties following : viz :

On 30th
June 1792,
duties now
in force on
certain ar-
ticles to
cease and
others to
be collec-
ted in their
stead.

WINES, namely : Madeira, of the quality of London particular, per gallon fifty six cents : Madeira, of the quality of London market, per gallon, forty nine cents : Other Madeira wine, per gallon, forty cents : Sherry, per gallon, thirty three cents : Saint Lucar, per gallon, thirty cents : Lisbon, per gallon, twenty five cents : Oporto, per gallon, twenty five cents : Teneriffe and Fayall, per gallon, twenty cents : All other wines, forty per centum ad valorem, Provided that the amount of the duty thereupon shall, in no case, exceed thirty cents per gallon.

Specific duties on certain enumerated articles.

SPIRITS, distilled wholly or chiefly from grain : Of the first class of proof, per gallon, twenty eight cents : of the second class of proof, per gallon, twenty nine cents : of the third class of proof, per gallon, thirty one cents : of the fourth class of proof, per gallon, thirty four cents : of the fifth class of proof, per gallon, forty cents : of the sixth class of proof, per gallon, fifty cents.

ALL OTHER DISTILLED SPIRITS : Of the second class of proof and under, per gallon, twenty five cents : of the third class of proof and under per gallon, twenty eight cents : of the fourth class of proof and under, per gallon, thirty two cents : of the fifth class of proof and under, per gallon, thirty eight cents : of the sixth class of proof and under, per gallon, forty six cents. Which several classes or denominations of proof shall be deemed and taken to correspond with those mentioned in the "act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled

Specific duties on certain enumerated articles.

“ within the United States, and for appropriating the same.”

Beer, ale and porter, per gallon, eight cents : steel, per hundred weight, one hundred cents : nails, per pound, two cents : cocoa per pound, two cents : chocolate, per pound, three cents : playing cards per pack, twenty five cents : shoes and slippers of silk, twenty cents : all all other shoes and slippers for men and women, clogs and goloshoes, ten cents : all other shoes and slippers for children, seven cents : on hemp, for every one hundred and twelve pounds, one hundred cents : on cables, for every one hundred and twelve pounds, one hundred and eighty cents : on tarred cordage, for every one hundred and twelve pounds, one hundred and eighty cents : on untarred cordage and yarn, for every one hundred and twelve pounds, two hundred and twenty five cents : on twine and packthread, for every one hundred and twelve pounds, four hundred cents : on coal, per bushel, four and a half cents : on salts called Glauber-salts, for every one hundred and twelve pounds, two hundred cents.

ARTICLES AD VALOREM : China wares, looking glass, window and other glass and all manufactures of glass, black quart bottles excepted ; muskets, pistols, and other fire arms ; swords, cutlasses, hangers and other side arms ; starch ; hair powder ; wafers ; glue ; laces, lines, fringes, tassels, and trimmings, commonly used by upholsterers, coachmakers and saddlers, and paper hangings ; painters colors, whether dry or ground in oil, fifteen per centum ad valorem ; cast, slit and rolled iron, and generally, all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of

these metals is the article of chief value, not being otherwise particularly enumerated, brass and iron wire excepted; cabinet wares; leather tanned and tawed, and all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated; medicinal drugs, except those commonly used in dying; hats, caps and bonnets of every sort; gloves and mittens; stockings; millinery ready made; artificial flowers, feathers and other ornaments for womens head dresses; fans; dolls dressed and undressed; toys; buttons of every kind; carpets and carpeting, mats and floor cloths; sail cloth; sheathing and cartridge paper; all powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions commonly called sweet scents, odors, perfumes or cosmetics: all dentifrice-powders, tinctures, preparations, or compositions whatsoever for the teeth or gums, ten per centum ad valorem.

Sec. 2. *Provided always, and be it further enacted*, That all articles which are excepted and exempted from duty by the "act making farther provision for the payment of the debts of the United States," shall continue to be so excepted and exempted, and that, to the articles heretofore made free from duty, the following shall be added, namely, copper in pigs and bars, lapis calaminaris, unmanufactured wool, wood, sulphur.

Exemption
of articles
by certain
act contin-
ued.

Sec. 3. *And be it further enacted*, That from and after the last day of June next, in computing the duty heretofore laid upon salt, a bushel of salt shall be deemed not to exceed the weight of fifty six pounds avoirdupois: and as often as the actual bushel of salt shall exceed the said

Duty on
salt after
30th June
how to be
collected;
and

weight, such salt shall be charged in the proportion of the present rate of duty per bushel for every fifty six pounds of its actual weight.

on goods
not enume-
rated in
this act.

Sec. 4. *And be it further enacted*, That after the said last day of June next, there shall be laid, levied, and collected, in addition to the present duty thereupon, a duty of two and an half per centum ad valorem, upon all goods, wares and merchandizes, not above enumerated or described, which, if imported in ships or vessels of the United States, are now chargeable with a duty of five per centum ad valorem.

Certain ad-
ditional du-
ty of 10 p
cent. conti-
nued.

Sec. 5. *And be it further enacted*, That the addition of ten per centum made by the second section of the "act making farther provision for the debts of the United States," to the rates of duties on goods, wares and merchandize, imported in ships or vessels not of the United States, shall continue in full force and operation, after the said last day of June next, in relation to the articles herein before enumerated and described.

Drawbacks
not already
abolished,
continued;

Sec. 6. *And be it further enacted*, That all drawbacks and allowances authorized by the act aforesaid, which have not been heretofore abolished or changed, shall continue to operate, as in the said act prescribed in relation to the several duties which shall become payable by virtue of this act, and that in addition thereto, there shall be allowed and paid upon provisions salted within the United States, except upon dried fish, upon the exportation thereof to any foreign port or place, as follows, to wit: On pickled fish, at the rate of eight cents per barrel, and on other provisions at the rate of five cents per barrel; and from and after the first day of January next, there shall be an addition

of twenty per centum to the allowances, respectively granted to ships or vessels employed in the bank or other cod-fisheries, and in the terms provided by an act, intituled "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," and during the continuance of the said act.

duty on salted provisions exported; allowance to vessels employed in the fisheries.

Sec. 7. *And be it further enacted*, That all duties, drawbacks and allowances, which, by virtue of this act, shall be payable or allowable, on any specific quantity of goods, wares and merchandize, shall be deemed to apply, in proportion, to any quantity more or less than such specific quantity.

Duties, drawbacks, &c. to apply to any quantity.

Sec. 8. *And be it further enacted*, That the term of credit for the payment of duties on salt shall be nine months, and on all articles, the produce of the West-Indies, salt excepted, where the amount of the duty to be paid by one person or co-partnership shall exceed fifty dollars, shall be four months, and that the duties on all other articles, except wines and teas, which shall be imported after the last day of June next, shall be payable, one half in six, one quarter in nine, and the other quarter in twelve calendar months from the time of each respective importation.

Terms of credit for payment of duties.

Sec. 9. *And be it further enacted*, That the act intituled, "An act to provide more effectually for the collection of duties imposed by law on goods, wares and merchandize imported into the United States, and on the tonnage of ships and vessels," and as touching the duties on distilled spirits only, the act, intituled, "An act repealing, after the last day of June next, the duties heretofore laid upon distilled

Certain acts declared in force as to duties specified in this act.

spirits imported from abroad and laying others in their stead ; and also upon spirits distilled within the United States, and for appropriating the same," shall extend to, and be in full force for the collection of the duties specified and laid in and by this act, and generally for the execution thereof, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained had been herein inserted and re-enacted.

Wines imported after 30th June, how landed.

Sec. 10. *And be it further enacted*, That all wines, which, after the said last day of June next, shall be imported into the United States, shall be landed under the care of the inspector of the port where the same shall be landed, and for that purpose, every permit for landing any wines, which shall be granted by a collector, shall, prior to such landing, be produced to the said inspector who, by endorsement thereupon under his hand, shall signify the production thereof to him, and the time when, after which, and not otherwise, on pain of forfeiture, it shall be lawful to land the said wines. And the said inspector shall make an entry of all such permits, and of the contents thereof, and each pipe, butt, hoghead, cask, case, box or package whatsoever, containing such wines, shall be marked by the officer under whose immediate inspection the same shall be landed, in legible and durable characters, with progressive numbers, the name of the said officer, and the quality or kind of wine, as herein before enumerated and distinguished. And the said officer shall grant a certificate for each such pipe, butt, hoghead, cask, case, box or package, specifying therein the name or names of the importer or importers, the ship or vessel in which the same shall have been imported, and

Duty of inspector.

the number thereof, to accompany the same. wheresoever it shall be sent. And if any pipe, butt, hoghead, cask, case, box or package, containing wine, shall be found without such marks and certificates, the same shall be liable to be seized, and the want of such marks and certificates shall be presumptive evidence, that such wine was unlawfully imported and landed.

Sec. 11. *And be it further enacted,* That every person, who shall have in his or her possession, wines which are intended for sale, in quantity exceeding one hundred and fifty gallons, shall, prior to the said last day of June next, make entry thereof in writing at some office of inspection in the city, town, or county where he or she shall reside, specifying and describing the casks, cases, boxes and other packages containing the same, and the kinds, qualities and quantities thereof, and where, and in whose possession they are; and the officer of inspection at whose office such entry may be made, shall, as soon as may be thereafter, visit and inspect, or cause to be visited and inspected, the wines so reported, and shall mark, or cause to be marked, the casks, cases, boxes and packages containing the same, with progressive numbers, with the name of the person to whom the same may belong, the kind or kinds thereof, and the words "Old Stock," and shall grant a certificate for each cask, case, box or package, containing such wine, describing therein the said cask, case, box or package, and the wines therein contained, which certificate shall accompany the same, wherever it may be sent. And if any person who may have wines in his or her possession for sale, shall not, prior to the said last day of June next, make entry thereof, as above directed, he or

Persons
having cer-
tain quan-
tity of
wines for
sale after
30th June
next, to
make entry
thereof, &c.

she, for such omission or neglect, shall forfeit and pay the value of the wine omitted to be entered, to be recovered with costs of suit, for the benefit of any person who shall give information thereof, and the wines so omitted to be entered, shall be forfeited.

How beer,
&c. shall be
brought in-
to U. States,

Sec. 12. *And be it further enacted*, That from and after the last day of December next, no beer, ale, or porter shall be brought into the United States, from any foreign port or place, except in casks or vessels, the capacity whereof shall not be less than forty gallons, or in packages containing not less than six dozen of bottles, on pain of forfeiture of the said beer, ale or porter, and of the ship or vessel, in which the same shall be brought.

Duties a-
fore said
how long
to be col-
lected.

Sec. 13. *And be it further enacted*, That the several and respective duties aforesaid, except that mentioned in the fourth section of this act, shall continue to be levied, collected and paid, until the debts and purposes, to and for which the duties, hereby directed to cease after the last day of June next, were pledged and appropriated, shall have been fully paid and satisfied; and that so much thereof, as may be necessary, shall be, and are hereby pledged and appropriated, in the same manner, for the same purposes, and with the same force and effect, as those, which are hereby directed to cease after the said last day of June next, and that so much of the residue thereof, as may be necessary, shall be, and are hereby appropriated for making good deficiencies in any funds, which may have been designated for satisfying grants and appropriations heretofore made.

Sec. 14. *And be it further enacted*, That the additional duty of two and an half per centum

ad valorem, specified in the fourth section of this act, shall continue for the term of two years, from the commencement thereof, and no longer.

Limitation
of ad valo-
rem duties
specified in
4th section.

Sec. 15. *And be it further enacted*, That the sum of one hundred and fifty thousand dollars, out of the surplus of the duties, which accrued to the end of the year one thousand seven hundred and ninety one, and a farther sum of five hundred and twenty-three thousand five hundred dollars, out of the surplus of the duties hereby established as the same shall accrue, making together the sum of six hundred and seventy-three thousand five hundred dollars, shall be, and are hereby appropriated and applied, in addition to any former appropriation for the military establishment of the United States, towards carrying into execution the act, intituled, "An act for making farther and more effectual provision for the protection of the frontiers of the United States."

Appropri-
ation of
surplus du-
ties.

Sec. 16. *And be it further enacted*, That the President of the United States be empowered to take on loan, on account of the United States, from the president, directors and company of the bank of the United States, who are hereby authorized and empowered to lend the same, from any other body politic or corporate within the United States, or from any other person or persons, the whole or any part of the aforesaid sum of five hundred and twenty-three thousand five hundred dollars, to be applied to the purpose, to and for which the same is above appropriated, and to be reimbursed out of the aforesaid surplus of the duties by this act imposed, which surplus is, accordingly, appropriated to the said reimbursement. *Provi-*

President
of U. States
to take on
loan from
the bank,
&c. a cer-
tain sum of
money.

ded, That the rate of interest of such loans shall not exceed five per centum per annum, and that the principal thereof may be reimbursed at the pleasure of the United States.

Rate of livre tour-
nois of
France al-
tered.

Sec. 17. *And be it further enacted*, That so much of the act, intituled "An act to provide more effectually for the collection of duties imposed by law on goods, wares and merchandize imported into the United States, and on the tonnage of ships or vessels," as hath rated the livre tournois of France at eighteen and an half cents, be and the same is hereby repealed.

Mode of
procedure
in cases of
insolvency
of principal
in bonds,
&c.

Sec. 18. *And be it enacted and declared*, That if the principal, in any bond which shall be given to the United States, for duties on goods, wares, and merchandize imported, shall be insolvent, or if such principal being dead, his or her estate and effects, which shall have come to the hands of his or her executors or administrators, shall be insufficient for the payment of his or her debts, and if, in either of the said cases, any surety in the said bond, or the executors and administrators of such surety, shall pay to the United States the monies thereupon due, such surety, his or her executors or administrators shall have and enjoy the like advantage, priority and preference, for the recovery and receipt of the said monies out of the estate and effects of such insolvent or deceased principal, as are reserved and secured to the United States, by the forty fourth section of the act, intituled "An act to provide more effectually for the collection of duties " imposed by law on goods, wares, and merchandize imported into the United States, and on " the tonnage of ships or vessels," and shall

and may bring and maintain a suit upon the said bond, in law or equity, in his, her or their own name or names, for the recovery of the monies which shall have been paid thereupon. *And it is further declared,* That the cases of insolvency in the said forty fourth section mentioned, shall be deemed to extend, as well to cases in which a debtor, not having sufficient property to pay all his or her debts, shall have made a voluntary assignment thereof, for the benefit of his or her creditors, or in which the estate and effects of an absconding, concealed or absent debtor shall have been attached by process of law, as to cases, in which an act of legal bankruptcy shall have been committed.

Sec. 19. *And be it further enacted,* That the President of the United States be, and hereby is authorized to appoint such place within the district of Vermont to be the port of entry and delivery within the said district, as he may deem expedient, any thing in the act, intituled “ An act giving effect to the laws of the United States within the state of Vermont,” to the contrary notwithstanding.

President
of U. States
to appoint
port of en-
try and de-
livery in
Vermont.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, May second, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXVIII.

An Act to provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.

(REPEALED.)

CHAPTER XXIX.

An Act for the Relief of Persons imprisoned for Debt.

(EXPIRED.)

CHAPTER XXX.

An Act authorizing the Grant and Conveyance of certain Lands to John Cleves Symmes, and his Associates.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting and conveying to John Cleves Symmes and his associates, and to their heirs and assigns, in fee simple, such number of acres of land as the payments already made by the said John Cleves Symmes, his agents or associates, under their contract of the fifteenth day of October one thousand seven hundred and eighty eight, will pay for, estimating the lands at two thirds of

President
authorized
to grant a
certain
number of
acres to J.
C. Symmes,
on certain
conditions.

a dollar per acre, and making the reservations specified in the said contract.

Sec. 2. *And be it further enacted*, That the President be and he hereby is further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said John Cleves Symmes and his associates, and to their heirs and assigns in fee simple, one other tract of one hundred and six thousand eight hundred and fifty seven acres, with the reservations as aforesaid: *Provided*, That the said John Cleves Symmes, or his agents or associates, or any of them, shall deliver to the Secretary of the Treasury, within six months, warrants which issued for army bounty rights sufficient for that purpose, according to the provision of the resolves of Congress of the twenty third of July, and second of October, one thousand seven hundred and eighty seven; but in case, so many warrants should not be delivered, then the letters patent last aforesaid to be given for such number of acres, as shall be in proportion to the warrants so delivered.

To grant
one other
tract.

Sec. 3. *And be it further enacted*, That the President be and he is hereby authorized and empowered, by letters patent as aforesaid, to grant and convey unto the said John Cleves Symmes and his associates, their heirs and assigns, in trust for the purpose of establishing an academy and other public schools and seminaries of learning, one compleat township, conformably to an order of Congress of the second of October, one thousand seven hundred and eighty-seven, made in consequence of the application of the said John Cleves Symmes, for the purchase of the tract aforesaid.

One town-
ship grant-
ed for se-
minaries of
learning.

Sec. 4. *And be it further enacted*, That the several quantities of land, to be granted and

The lands
to be loca-
ted agreea-
ble to a
former act

conveyed as aforesaid, shall be included and located within such limits and lines of boundary, as the President may judge expedient, agreeably to an act passed the twelfth day of April, one thousand seven hundred and ninety two, "for ascertaining the bounds of a tract of land purchased by John Cleves Symmes."

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, May fifth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXXI.

*An Act to alter the Time for the next annual
Meeting of Congress.*

(EXPIRED.)

CHAPTER XXXII.

*An Act concerning the Duties on Spirits distilled
within the United States.*

Former du-
ties after
the last day
of June to
cease, and

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the last day of June next, the present duties upon spirits distilled within

the United States, and on stills, shall cease, and that in lieu thereof, upon all spirits which after the said day shall be distilled within the United States wholly or in part from molasses, sugar or other foreign materials, there shall be paid the duties following, that is to say :

For every gallon of those spirits of the first class of proof, ten cents ; for every gallon of those spirits of the second class of proof, eleven cents ; for every gallon of those spirits of the third class of proof, twelve cents ; for every gallon of those spirits of the fourth class of proof, fourteen cents ; for every gallon of those spirits of the fifth class of proof, eighteen cents ; for every gallon of those spirits of the sixth class of proof, twenty five cents. And upon all spirits which after the said day shall be distilled within the United States from materials of the growth or produce of the United States, in any city, town or village, at any distillery at which there shall be one or more stills which singly or together shall be of the capacity of four hundred gallons or upwards, there shall be paid the duties following, that is to say ;

For every gallon of those spirits of the first class of proof, seven cents ; for every gallon of those spirits of the second class of proof, eight cents ; for every gallon of those spirits of the third class of proof, nine cents ; for every gallon of those spirits of the fourth class of proof, eleven cents ; for every gallon of those spirits of the fifth class of proof, thirteen cents ; for every gallon of those spirits of the sixth class of proof, eighteen cents. And upon stills which after the said day shall be employed in distilling spirits from materials of the growth or produce of the United States, at any other

Other duties to be paid upon spirits distilled from foreign materials.

On spirits distilled of the materials of the U. States.

Duty on stills.

place than a city, town or village, or at any distillery in a city, town or village at which there shall be one or more stills, which singly if only one, or together if more than one, shall be of less capacity than four hundred gallons, there shall be paid the yearly duty of fifty four cents for every gallon English wine measure of the capacity or content of each and every such still including the head thereof: *Provided*, That it shall be at the option of the proprietor or possessor of any such still, instead of the said yearly duty, either to pay seven cents for every gallon of spirits by him or her distilled, or to pay at the rate of ten cents per gallon of the capacity for each and every month of the employment of any such still ; and in case the said proprietor or possessor shall elect to pay either the said rate of seven cents per gallon, of the spirits by him or her distilled, or the said monthly rate of ten cents, according to the capacity of his or her still or stills, he or she at the time of making entry of his or her still or stills in manner herein after directed, shall by writing under his or her hand, left at the office of inspection where such entry shall be made, notify the said election, and if the same shall be to pay the said monthly rate of ten cents, shall demand a licence for the term of time, specifying the day of commencing and the day of ending, during which he or she shall intend to work his or her still or stills, which licence shall without delay or expense to the said proprietor or possessor be granted, and shall be signed by the supervisors of the revenue and countersigned by the officer at whose office application for the same shall have been made. And in the case of an election to pay the said monthly rate of ten

how paid.

Owners in what cases &c. how to make entry of stills, &c.

and to obtain licence for working them.

cents, it shall not be lawful for any person by whom the same shall have been made, to work his or her still or stills, at any time, within the year from the date of his or her entry thereof, other than that for which a licence shall have been granted, unless he or she shall have previously obtained another licence for such further time, which upon like application shall, and may be granted, in like manner; and if any such person shall work his or her still or stills, contrary to the direction or provision aforesaid, he or she shall forfeit and pay for every such offence, two hundred dollars. And in every case in which any proprietor or possessor of a still or stills subject to the payment of duty according to the capacity of such still or stills, shall not make election to pay according to one or the other of the alternatives aforesaid; or shall not duly comply therewith, he or she shall be liable to pay, and shall pay the said yearly rate of fifty four cents for every gallon of the capacity or capacities of his or her still or stills.

Penalty for
working
stills with-
out licence.

Sec. 2. *And be it further enacted*, That there be in each county comprehended within any district, at least one office of inspection, at which every person having or keeping a still or stills within such county, shall between the last day of May, and the first day of July in each year, make entry of such still or stills; and at which every person, who being a resident within the county shall procure a still or stills, or who removing within a county, shall bring therein a still or stills, shall within thirty days after such procuring or removal, and before he or she shall begin to use such still or stills, make entry thereof. And every entry besides describing each still and the capacity

Office of in-
spection in
each coun-
ty for en-
try of stills,
&c.

thereof, shall specify the place where, and the person in whose possession it is, and the purpose for which it is intended, as whether for sale or use in distilling; and in the case of removal, shall specify the place from which every such still shall have been brought.

Proprietors
&c. how li-
able for du-
ty on stills.

Sec. 3. *And be it further enacted*, That every proprietor and possessor of a still shall be jointly and severally liable for the duty thereupon; and that every owner of land, upon which any still shall be worked, shall be liable for the duty thereupon, unless the same shall be worked by a lawful and bona fide tenant of the land of an estate, not less than for the term of one year, or unless such owner can make it appear, that the possessor of, or person by whom such still shall have been worked, was during the whole time of working the same, a trespasser or intruder on his land.

Officers to
forbear in-
specting
distillery of
geneva for
2 hours,&c.

Sec. 4. *And be it further enacted*, That every officer of inspection within whose survey any distillery of geneva or sweet cordials, subject to the payment of duty by the gallon of the spirits distilled thereon may be, shall forbear to visit or inspect for a space not exceeding two hours in each day, such part of the said distillery as he may be required by the proprietor, possessor or manager of such distillery to forbear to visit and inspect, for which purpose it shall be necessary for the said proprietor, possessor or manager, to give notice in writing to the said officer, describing therein particularly the part of such distillery, which it shall be his desire that the said officer may forbear to visit and inspect, and specifying the time of each day for which such forbearance shall be desired.

on written
notice from
the propri-
etors.

Sec. 5. *And be it further enacted*, That it shall be in the discretion of the Secretary of the Treasury, to regulate as well the marks, to be set upon the casks, vessels and packages containing distilled spirits, as the forms of the certificates which are to accompany the same, and that when any cask or vessel in which distilled spirits have been contained, shall have been emptied of its contents, it shall be lawful for the marks thereupon to be effaced by, or in the presence of an officer of inspection, and if the said cask or vessel shall afterwards be used for putting therein other spirits, the same may be marked anew.

Sec'y of the treasury to regulate marks upon casks, &c.

Sec. 6. *And be it further enacted*, That instead of a notice of twenty-four hours heretofore required to be given of the intent to export distilled spirits in order to the benefit of the drawback of the duties thereupon, six hours shall be sufficient.

Notice to be given for obtaining drawback on spirits exported.

Sec. 7. *And be it further enacted*, That there be an abatement for leakage at the rate of two per cent, in every case in which the duty shall be payable by the gallon of the spirits distilled, to be allowed at the distillery where such spirits shall be made.

Abatement for leakage.

Sec. 8. *And be it further enacted*, That the officer of inspection within whose survey any still shall be, the duty whereupon is payable according to the capacity of the still, shall identify by progressive numbers and other proper marks, every such still within his survey, and the duty thereupon shall operate as a specific lien upon the said still.

Duty of officers of inspection herein.

Sec. 9. *And be it further enacted*, That every distiller of, and dealer in spirits, who may have in his or her possession, distilled spirits

Distillers,
&c. of spi-
rits, when
to report
the quanti-
ty on hand;

not marked or certified, pursuant to the act, intituled, "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall prior to the last day of September next, report the spirits in his or her possession, in writing at some office of inspection, to the end that such spirits may be marked and certified as old stock. And that from and after the said last day of September next, casks and vessels of the capacity of twenty gallons and upwards, containing distilled spirits, which shall be found in the possession of any distiller or dealer in spirits, except at a distillery where the same were made, or in going from one place to another, without being marked according to law, or without having a certificate from some proper officer, shall be liable to seizure and forfeiture, and that it shall be the duty of the several officers of inspection, upon request of any dealer or distiller to take measures for the marking of casks, vessels and packages containing distilled spirits, and to furnish such dealer or distiller, free from expense, with certificates to accompany the same; *Provided*, That it shall not be incumbent upon any such officer to mark or certify any cask, vessel or package which ought to have been before marked or certified according to any law of the United States.

casks not
marked ac-
cording to
law, liable
to seizure,
&c.

inspection
officer to
mark casks,
&c.

After A-
pril 1793,
spirits to
be bro't in-
to U. States
in casks of
90 gallons,
&c.

Sec. 10. *And be it further enacted*, That from and after the last day of April, one thousand seven hundred and ninety-three, no distilled spirits, except arrack and sweet cordials, shall be brought into the United States from

any foreign port or place, except in casks or vessels of the capacity of ninety gallons and upwards.

Sec. 11. *And be it further enacted, That no* Drawbacks on what quantity allowed.
drawback of the duty on distilled spirits which shall be exported after the last day of June next, shall be allowed upon any quantity less than one hundred gallons.

Sec. 12. *And be it further enacted, That af-* After June next how spirits shall be imported.
ter the last day of June next, no distilled spirits shall be brought into the United States, from any foreign port or place, in any cask or vessel, which shall have been marked pursuant to any law of the United States concerning distilled spirits, on pain of forfeiture of the spirits so brought, and of the ship or vessel in which they shall be brought.

Sec. 13. *And be it further enacted, That if* Penalty on neglecting to make entry of stills.
the owner or possessor of any still or stills shall neglect to make entry thereof, within the time and in the manner prescribed by the second section of this act, such owner or possessor shall forfeit and pay the sum of two hundred and fifty dollars; and if any distilled spirits, except arrack and sweet cordials, shall, after the last day of April next, be brought into the United States in casks or vessels of less capacity than ninety gallons; all such spirits, and the casks and vessels containing the same, shall be subject to seizure and forfeiture, and every such penalty or forfeiture shall be one half to the use of the United States, and the other half to the use of the person who shall first discover and make known the matter or thing whereby the same shall have been incurred.

Sec. 14. *And be it further enacted, and declared,* That the duties hereby laid shall continue in force, for the same time, and are

Continuation of duties laid herein, for what purpose appropriated.

hereby pledged and appropriated to and for the same purposes, as those, in lieu of which they are laid, and pursuant to the act, intitled, "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same."

Reduction of duty herein made good, by product of a certain act.

Sec. 15. *And be it further enacted*, That to make good any deficiency which may happen in consequence of the reduction hereby made in the rates of the duties on spirits distilled within the United States, and on stills, so much of the product of the duties laid by the act intitled, "An act for raising a farther sum of money for the protection of the frontiers, and for other purposes therein mentioned," as may be necessary, shall be and is hereby pledged and appropriated to the same purposes, to and for which the duties, hereby reduced, were pledged and appropriated.

Allowance to supervisors, &c.

Sec. 16. *And be it further enacted*, That the President of the United States be authorized to make such allowances for their respective services to the supervisors, inspectors, and other officers of inspection, as he shall deem reasonable and proper, so as the said allowances, together with the incidental expenses of collecting the duties on spirits distilled within the United States, shall not exceed seven and an half per centum of the total product of the duties on distilled spirits, for the period to which the said allowances shall relate, computing from the time the act intitled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in

their stead, and also upon spirits distilled within the United States, and for appropriating the same, took effect: *And provided also*, That such allowance shall not exceed the annual amount of seventy thousand dollars, until the same shall be further ascertained by law.

not to exceed 70,000 dollars.

Sec. 17. *And be it further enacted*, That the act intitled, "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall extend to and be in full force for the collection of the several duties herein before mentioned, and for the recovery and distribution of the penalties and forfeitures herein contained, and generally for the execution of this act, as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained were inserted in and re-enacted by this present act, subject only to the alterations hereby made.

Certain act in force for collection of the duties, &c. herein.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, May eighth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXXIII.

An Act more effectually to provide for the National Defence, by establishing an Uniform Militia throughout the United States.

Militia
how and by
whom to be
enrolled.

SECT. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That each and every free able-bodied white male-citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as is herein after excepted) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrollment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall within six months thereafter, provide himself with a good musket or fire-lock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty four cartridges, suited to the bore of his musket or fire-lock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle,

How to be
armed and
accounted.

knapfack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred and provided, when called out to exercise, or into service, except, that when called out on company-days to exercise only, he may appear without a knapfack. That the commissioned officers shall severally be armed with a sword or hanger and esponentoon, and that from and after five years from the passing of this act, all musquets for arming the militia as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled and providing himself with the arms, ammunition and accoutrements required, as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales, for debt or for the payment of taxes.

Sect. 2. *And be it further enacted*, That the Vice-President of the United States; the officers, judicial and executive of the government of the United States; the members of both houses of Congress, and their respective officers; all custom-house officers with their clerks; all post-officers, and stage-drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post-road; all inspectors of exports; all pilots; all mariners actually employed in the sea-service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective states, shall be, and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

Executive
officers,
&c. ex-
empted.

Militia
how to be
arranged,
and

by whom
officered.

Sect. 3. *And be it further enacted*, That within one year after the passing of this act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battallions and companies, as the legislature of each state shall direct; and each division, brigade and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the adjutant-general's office in the state; and when in the field, or in service in the state, each division, brigade, and regiment shall, respectively, take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment of two battallions; each battallion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective states, as follows: To each division, one major-general and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, with one brigade-inspector, to serve also as brigade-major, with the rank of a major; to each regiment, one lieutenant-colonel commandant; and to each battallion one major; to each company one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer and one fife or bugler. That there shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenants; one pay-master, one surgeon, and one surgeon's mate; one serjeant-major; one drum-major, and one fife-major.

Sec. 4. *And be it further enacted*, That out of the militia enrolled, as is herein directed, there shall be formed for each battallion at least one company of grenadiers, light infantry

or riflemen; and that to each division, there shall be at least one company of artillery, and one troop of horse: there shall be to each company of artillery, one captain, two lieutenants, four serjeants, four corporals, six gunners, six bombardiers, one drummer and one fifer. The officers to be armed with a sword or hanger, a fufee, bayonet and belt, with a cartridge-box to contain twelve cartridges; and each private or matrofs shall furnish himself with all the equipments of a private in the infantry, until proper ordinance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four serjeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses, of at least fourteen hands and an half high, and to be armed with a sword, and pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mail-pillion and valise, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch-box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the state, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly cloathed in regimentals, to be furnished at their own expence; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

Each battalion to have one company of grenadiers, &c. and one company of artillery.

Officers how to be armed.

Troops of horse how officered, &c.

Artillery & horse of whom to be formed;

to be uniformly clad at their own expence.

What colours, &c. and by whom to be furnished.

Sec. 5. *And be it further enacted*, That each battallion and regiment shall be provided with the state and regimental colours by the field officers, and each company with a drum and fife or bugle-horn, by the commissioned officers of the company in such manner as the legislature of the respective states shall direct.

Adjutant-general in each state his duty.

Sec. 6. *And be it further enacted*, That there shall be an adjutant-general appointed in each state, whose duty it shall be to distribute all orders from the commander in chief of the state to the several corps; to attend all public reviews when the commander in chief of the state shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies and every other thing which relates to the general advancement of good order and discipline: All which the several officers of the divisions, brigades, regiments and battallions, are hereby required to make in the usual manner, so that the said adjutant-general may be duly furnished therewith: From all which returns, he shall make proper abstracts, and lay the same annually before the commander in chief of the state.

Rules of discipline.

Sec. 7. *And be it further enacted*, That the rules of discipline, approved and established by Congress in their resolution, of the twenty

ty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout the United States, except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer at every muster, whether by battallion, regiment or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

Sec. 8. *And be it further enacted*, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battallion, company or detachment.

Officers
how to take
rank.

Sec. 9. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any state, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

Provision
in case of
wounds,
&c.

Sec. 10. *And be it further enacted*, That it shall be the duty of the brigade inspector, to attend the regimental and battallion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described throughout the brigade, agreeable to law, and such orders as they shall, from time to time, receive from the

Brigade in-
spector's
duty.

Brigade in-
specter's
duty.

commander in chief of the state ; to make re-
turns to the adjutant-general of the state, at
least once in every year; of the militia of the
brigade to which he belongs, reporting there-
in the actual situation of the arms, accoutre-
ments and ammunition of the several corps,
and every other thing which, in his judgment,
may relate to their government and the gene-
ral advancement of good order and military
discipline; and the adjutant-general shall make
a return of all the militia of the state, to the
commander in chief of the said state, and a
duplicate of the same to the President of the
United States.

Artillery,
&c. now
existing,

And whereas fundry corps of artillery, ca-
valry and infantry, now exist in several of the
said states, which by the laws, customs or usages
thereof have not been incorporated with, or
subject to the general regulations of the mi-
litia :

to retain
their pri-
vilges.

Sec. 11. *Be it further enacted*, That such
corps retain their accustomed privileges, sub-
ject, nevertheless, to all other duties required
by this act in like manner with the other mi-
litia.

JONATHAN TRUMBULL, *Speaker*
of the House of Representatives.

RICHARD HENRY LEE, *President pro*
tempore of the Senate.

APPROVED, May eighth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXXIV.

An Act relative to the Compensations to certain Officers employed in the Collection of the Duties of Impost and Tonnage.

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the last day of June next, in addition to the fees and emoluments which may accrue to the officers employed in the collection of the duties of impost and tonnage, by the provisions already made, they shall severally have, and be entitled to the respective allowances following, to wit; The surveyors of Newburyport, Salem, Saint Mary's and Wilmington in North-Carolina, the yearly sum of one hundred dollars, each; the surveyors of Beverley, North-Kingston, East-Greenwich, Warren, Bristol, Pawcatuck-river, Providence, Patuxet, New-Haven, Lewellensburg, Alexandria, Beaufort, Hertford, Winton, Bennet's creek, Plymouth, Windsor, Skewarkey, Murfreesborough, Nixonton, Indian-town, Currituck-inlet, Pasquotank-river bridge, and Newbiggen creek, the yearly sum of eighty dollars, each; the surveyor of Portsmouth, the yearly sum of sixty dollars; the surveyors of Ipswich, Portland, Newport, Stonington, Middleton, Bermuda-Hundred, Petersburg, Richmond and Savannah, the yearly sum of fifty dollars, each; the surveyors of Gloucester, New London and Swanborough, the yearly sum of thirty dollars, each; the surveyors of Hudson, Little Egg-harbor, Suffolk, Smithfield, Urbanna, and Fredericksburg, the yearly sum of twenty dollars, each; the collector of the district of Wilmington in

Additional
specific al-
lowance
from first
July next
to certain
surveyors
and collec-
tors.

Additional
specific al-
lowance
from first
July next
to certain
surveyors
and collec-
tors.

North-Carolina, the yearly sum of one hundred and fifty dollars ; the collectors of the districts of Portsmouth, Gloucester, Albany, Annapolis, Vienna, Nottingham, York-town, Dumfries and Louisville, the yearly sum of one hundred dollars, each ; the collector of the district of Fairfield, the yearly sum of eighty dollars ; the collectors of the districts of Marblehead, Plymouth, Barnstable, Nantucket, New Bedford, Dighton, York, Biddeford and Pepperelborough, Bath, Wiscasset, Machias, Newport, New-Haven, Perth Amboy, Great Egg-harbor, Wilmington in Delaware, Chester, Cedar-point, George-town, Hampton, South Quay, Washington, Plank-bridge and George-town in South-Carolina, the yearly sum of fifty dollars, each ; the naval officer of the district of Portsmouth, the yearly sum of one hundred dollars ; the naval officers of the districts of Newburyport, Newport, Providence, Wilmington in North-Carolina and Savannah, the yearly sum of fifty dollars, each ; the collector of the district of Salem and Beverley, one fourth of one per centum on the amount of all monies by him received on account of the said duties ; and to the collectors of the districts of Portsmouth, Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford and Pepperelborough, Portland, Bath, Wiscasset, Penobscot, Frenchman's-bay, Machias, Newport, Providence, New-Haven, Fairfield, Perth Amboy, Burlington, Great Egg-harbor, Wilmington in Delaware, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Cedar-point, George-town in Maryland, Hampton, York-town, Yeocomico, Dumfries, Foley-landing, Cherry-

Stone, South Quay, Wilmington in North-Carolina, Newbern, Washington, Edenton, Plank-bridge, George-town in South-Carolina, Beaufort, and Savannah, each, one half of one per centum on the amount of all monies by them respectively received on account of the duties aforesaid.

Sec. 2. *And be it further enacted*, That from and after the last day of June next, the allowance of three-fourths of one per centum to the collectors of the districts of Pennsylvania and the city of New-York, on the amount of all monies by them respectively received, on account of the duties of impost and tonnage, shall cease, and instead thereof, they shall, after that time, be entitled to one-half of one per centum on all such monies by them respectively received.

To collectors of N. York and Pennsylvania 1-2 of 1 per cent. &c.

Sec. 3. *And be it further enacted*, That from and after the last day of June next, the expense of fuel, office-rent and necessary stationary, for the collectors of the districts of Salem and Beverley, Boston and Charlestown, the cities of New-York, Philadelphia and Charleston, the towns of Baltimore, Norfolk and Portsmouth, shall be paid, three-fourths by the said collectors, and the other fourth by the respective naval-officers in those districts.

Office rent, &c. of certain collectors, how to be paid.

Sec. 4. *And be it further enacted*, That whenever a collector shall die, the commissions, to which he would have been entitled on the receipt of all duties bonded by him, shall be equally divided between the legal representatives of such deceased collector and his successor in office, whose duty it shall be to collect the same; and for this purpose the said representatives shall deliver over to such successor all

Commissions on death of a collector, how disposed of.

the public or official books, papers and accounts of the said deceased.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, May eighth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXXV.

*An Act to continue in Force the Act, intituled,
“ An act to provide for mitigating or remitting the Penalties and Forfeitures accruing under the Revenue-Laws in certain Cases,”
and to make further Provision for the Payment of Pensions to Invalids.*

(EXPIRED.)

CHAPTER XXXVI.

An Act for regulating Processes in the Courts of the United States, and providing Compensation for the Officers of the said Courts, and for Jurors and Witnesses.

Sect. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all writs and processes issuing from the supreme or a circuit court, shall bear test of the chief jus-

Writs by whom and how attested.

office of the supreme court (or if that office shall be vacant) of the associate justice next in precedence ; and all writs and processess issuing from a district court, shall bear test of the judge of such court, (or if that office shall be vacant,) of the clerk thereof, which said writs and processess shall be under the seal of the court from whence they issue, and signed by the clerk thereof. The seals shall be provided at the expense of the United States.

Sec. 2. *And be it further enacted*, That the form of writs, executions and other process, except their stile and the forms and modes of proceeding in suits in those of common law shall be the same as are now used in the said courts respectively in pursuance of the act, intituled, “ An act to regulate processess in the courts of the United States,” in those of equity and in those of admiralty and maritime jurisdiction, according to the principles, rules and usages which belong to courts of equity and to courts of admiralty, respectively, as contradistinguished from courts of common law ; except so far as may have been provided for by the act to establish the judicial courts of the United States, subject however to such alterations and additions as the said courts respectively shall in their discretion deem expedient, or to such regulations, as the supreme court of the United States shall think proper from time to time by rule to prescribe to any circuit or district court concerning the same: *Provided*, That on judgments in any of the cases aforesaid, where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance.

and seals
provided.

Forms of
writs, &c.

When
plaintiff
may take
out a ca-
pias ad sa-
tisfacien-
dum, in
first in-
stance.

Fees for
serving
writs, &c.

Sec. 3. *And be it further enacted*, That from and after the passing this act, the fees and compensations to the several officers and other persons hereafter mentioned, shall be as follows: that is to say, to the marshals of the several districts of the United States, for the service of any writ, warrant, attachment or process in chancery, on each person named in the same, two dollars: for his travel out in serving each writ, warrant, attachment or process aforesaid, five cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which is most remote, adding thereto the extra travel necessary to serve it on the other: *Provided*, That the fee for travel where there is one person named in such writ, warrant, attachment or process, shall in no case exceed seven dollars, and when there are more than one, the fee for extra travel shall not exceed one dollar above seven dollars for each person. For each bail bond, fifty cents: for selling goods and vessels condemned, and receiving and paying the money, three per cent: for every commitment or discharge of a prisoner, fifty cents: for summoning witnesses, where he does it, each thirty cents: for summoning a grand or petit jury, each three dollars: *Provided*, That in those states where jurors by the laws of the state are drawn by constables or other officers of corporate towns or places by lot, the marshals shall receive for the use of such constables or officers the fees allowed for summoning juries: For attending the supreme, circuit or district courts, five dollars per day, and at the rate of

for bail
bonds; for
selling ves-
sels and
goods;
commit-
ment or
discharge
of a prisen-
er; sum-
moning ju-
ries.

Proviso in
favor of
state con-
stables;

ten cents per mile for his expenses and time in travelling from the place of his abode to either of the said courts : For levying an execution, and for all other services not herein enumerated, such fees or compensation as are allowed in the supreme court of the state where the services shall be rendered : To the clerk of the supreme court of the United States, ten dollars per day for his attendance in court, and for his other services in discharging the duties of his office, double the fees of the clerk of the supreme court of that state in which the supreme court of the United States shall be holden. To the clerk of the district and circuit courts, such fees in each state respectively as are allowed in the supreme courts of the same ; and five dollars per day for his attendance on any circuit or district court, and at the rate of ten cents per mile for his expenses and time in travelling from the place of his abode to either of the said courts. And in case any clerk of a court of the United States shall in discharging the duties of his office perform any kind of service which is not performed by the clerks of the courts of the state, and for which the laws of the state make no allowance, the court in which such service shall be rendered may allow a reasonable compensation therefor. To each grand and petit juror fifty cents per day for attending in court, and for travelling at the rate of five cents per every mile from their respective places of abode to the place where the court is held, and the like allowance for returning : To witnesses summoned in any of the courts of the United States the same compensations in each state respectively as are allowed in the supreme courts of the same : To the attorney

for attending
in courts ;levying ex-
ecution,
&c.fees of
clerks :

Jurors.

Witnesses.

Attornies. of the United States for the district, such fees in each state respectively as are allowed in the supreme courts of the same, and also the like compensation for travelling as is above allowed to the clerk of the district and circuit courts.

Marshal to have the custody of vessels seized, and be paid certain expenses of fuel, &c. and receive and pay the fees of jurors, &c. Sec. 4. *And be it further enacted,* That the marshal shall have the custody of all vessels and goods seized by any officer of the revenue, and shall be allowed such compensation therefor as the court may judge reasonable : And there shall be paid to the marshal the amount of the expense for fuel, candles, and other reasonable contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof : and such amount, as also the compensations aforesaid to the grand and petit jurors : To the witnesses summoned on the part of the United States, to the clerk of the supreme court for his attendance ; to the clerks of the district and circuit courts for their travelling and attendance ; to the attorney of the district for travelling to court ; to to the marshal for his attendance at court ; for summoning grand and petit jurors and witnesses in behalf of any prisoner to be tried for a capital offence ; for the maintenance of prisoners confined in gaol for any criminal offence, and for the commitment or discharge of such prisoner ; and also the legal fees of the clerk, attorney and marshal, in criminal prosecutions, shall be included in the account of the marshal ; and the same having been examined and certified by the court or one of the judges of it in which the service shall have been rendered, shall be passed in the usual manner at and the amount thereof paid out of the treasury of the United States, to the

marshal, and by him shall be paid over to the persons entitled to the same, and the marshal shall be allowed two and an half per cent on the amount by him so paid over, to be charged in his future account. his allowance therefor.

Sec. 5. *And be it further enacted*, That in every prosecution for any fine or forfeiture incurred under any statutes of the United States, if judgment is rendered against the defendant, he shall be subject to the payment of costs: and on every conviction for any other offence not capital, the court may in their discretion award that the defendant shall pay the costs of prosecution: and if any informer or plaintiff on a penal statute, to whose benefit the penalty or any part thereof if recovered, is directed by law to accrue, shall discontinue his suit or prosecution, or shall be nonsuit in the same, or if upon trial a verdict shall pass for the defendant, the court shall award to the defendant his costs, unless such informer or plaintiff be an officer of the United States specially authorized to commence such prosecution, and the court before whom the action or information shall be tried, shall at the trial in open court, certify upon record, that there was reasonable cause for commencing the same, in which case no costs shall be adjudged to the defendant. Rules for payment of costs incurred by prosecutions for fines, &c.

Sec. 6. *And be it further enacted*, That the fees and compensations to the several officers and persons herein before mentioned, other than those which are above directed to be paid out of the treasury of the United States, shall be recovered in like manner as the fees of the officers of the states respectively for like services are recovered. Fees herein how to be recovered.

Penalty on
demanding
unlawful
fees.

Sec. 7. *And be it further enacted*, That if any officer herein before mentioned, or his deputy, shall by reason or colour of his office, wilfully and corruptly demand and receive any greater fees than those allowed by this act, he shall on conviction thereof in any court of the United States, forfeit and pay a fine not exceeding five hundred dollars, or be imprisoned not exceeding six months, at the discretion of the court before whom the conviction shall be.

Certain
acts repeal-
ed.

Sec. 8. *And be it further enacted*, That the act passed at the last session of Congress, intituled, "An act to continue in force for a limited time, an act passed at the first session of Congress, intituled, "An act to regulate processes in the courts of the United States;" and also another act passed at the last session of Congress, intituled, "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes," be, and the same are hereby repealed.

Clerk of
supreme, to
transmit to
clerks of
circuit
courts the
form of a
writ of er-
ror.

Sec. 9. *And be it further enacted*, That it shall be the duty of the clerk of the Supreme Court of the United States, forthwith to transmit to the clerks of the several circuit courts, the form of a writ of error, to be approved by any two of the Judges of the Supreme Court, and it shall be lawful for the clerks of the said circuit courts to issue writs of error agreeably to such forms, as nearly as the case may admit, under the seal of the said circuit courts, returnable to the Supreme Court, in the same manner as the clerk of the Supreme Court may issue such writs, in pursuance of the act, intituled, "An act to establish the judicial courts of the United States."

Sec. 10. *And be it further enacted*, That it shall and may be lawful for the clerks of the district and circuit courts, in the absence, or in case of the disability of the judges, to take recognizances of special bail, *de bene esse*, in any action depending in either of the said courts, and also the affidavits of all surveyors relative to their reports, and to administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in admiralty causes.

When clerks may take recognizances *de bene esse*,

and affidavits of surveyors, &c.

Sec. 11. *And be it further enacted*, That in all suits and actions in any district court of the United States, in which it shall appear that the judge of such court is, any ways, concerned in interest, or has been of counsel for either party, it shall be the duty of such judge on application of either party, to cause the fact to be entered on the minutes of the court, and also to order an authenticated copy thereof, with all the proceedings in such suit or action, to be forthwith certified to the next circuit court of the district, which circuit court shall, thereupon, take cognizance thereof, in the like manner, as if it had been originally commenced in that court, and shall proceed to hear and determine the same accordingly.

Where judges act as counsel for a party.

their duty in such case.

Sec. 12. *And be it further enacted*, That all the records and proceedings of the court of appeals heretofore appointed, previous to the adoption of the present constitution, shall be deposited in the office of the clerk of the supreme court of the United States, who is hereby authorized and directed to give copies of all such records and proceedings, to any person requiring and paying for the same, in like manner, as copies of the records and other proceedings of the said court are by law

Records of court of appeals to be deposited with clerk of supreme court.

directed to be given : which copies shall have like faith and credit, as all other proceedings of the said court.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, May eighth, 1792 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XXXVII.

*An Act making Alterations in the Treasury and
War Departments.*

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be an accountant to the department of war, who shall be charged with the settlement of all accounts relative to the pay of the army, the subsistence of officers, bounties to soldiers, the expenses of the recruiting service, the incidental and contingent expenses of the department ; and who shall report from time to time, all such settlements as shall have been made by him, for the inspection and revision of the accounting officers of the treasury ; and the said accountant shall also be charged with the settlement of all claims for personal service authorized by the act of this Congress of the twenty-seventh of March last, and of all military claims lodged in the late office of the paymaster general and commissioner of

Account-
ant in the
war de-
partment,
his duty.

army accounts, which are not foreclosed by the acts of limitation of the late Congress, and he shall report from time to time, all such settlements as have been made by him, for the inspection and revision of the Comptroller of the Treasury. The compensation of the said accountant shall be a yearly salary of one thousand and two hundred dollars. Salary.

Sec. 2. *And be it further enacted*, That the Treasurer of the United States shall disburse all such monies as shall have been previously ordered for the use of the department of war by warrants from the treasury; which disbursements shall be made pursuant to warrants, from the Secretary at War, countersigned by the accountant. Duty of the Treasurer of the U. S. herein.

Sec. 3. *And be it be further enacted*, That there be a paymaster to reside near the head quarters of the troops of the United States. That it shall be the duty of the said paymaster, to receive from the treasurer all the monies which shall be entrusted to him for the purpose of paying the pay, the arrears of pay, subsistence or forage, due to the troops of the United States. That he shall receive the pay abstracts of the paymasters of the several regiments or corps, and compare the same with the returns or muster rolls which shall accompany the said pay abstracts. That he shall certify accurately to the commanding officer, the sums due to the respective corps, which shall have been examined as aforesaid, who shall thereon issue his warrant on the said deputy-paymaster, for the payment accordingly. That copies of all reports to the commanding officer, and the warrants thereon, shall be duly transmitted to the office of the accountant of the war department, in order to be there ex- Paymaster of the troops, his duty.

To give
bond.

His salary.

Assignment
of pay by a
soldier after
1st June
next not
valid.

Contracts
for supply-
ing the
army to be
made under
the Secre-
tary of the
Treasury.

To direct
the collec-
tion of du-
ties, &c.

Assistant
Secretary
abolished &
Commis-
sioner of
the Re-
venue sub-
stituted.

His duty.

amined and finally adjusted at the treasury. That the said paymaster shall give bond in the sum of twenty thousand dollars, with two sufficient sureties, for the faithful discharge of his duty, and he shall take an oath faithfully to execute the duties of his office. That the compensation to the said paymaster shall be sixty dollars monthly, with the same rations and forage as a major.

Sec. 4. *And be it further enacted*, That no assignment of pay made after the first day of June next, by a non-commissioned officer or private, shall be void.

Sec. 5. *And be it further enacted*, That all purchases and contracts for supplying the army with provisions, clothing, supplies in the quartermaster's department, military stores, Indian goods, and all other supplies or articles for the use of the department of war, be made by or under the direction of the treasury department.

Sec. 6. *And be it further enacted*, That the Secretary of the Treasury shall direct the superintendence of the collection of the duties on impost and tonnage as he shall judge best. That the present office of Assistant to the Secretary of the Treasury, be abolished, and that instead thereof there be an officer in the department of the Treasury, to be denominated Commissioner of the Revenue, who shall be charged with superintending, under the direction of the head of the department, the collection of the other revenues of the United States, and shall execute such other services, being conformable to the constitution of the department, as shall be directed by the Secretary of the Treasury. That the compensation of the

said Commissioner shall be a salary of one thousand nine hundred dollars per annum. Salary.

Sec. 7. *And be it further enacted*, That in every case of an account or claim not finally adjusted, upon which the present Comptroller of the Treasury, as Auditor, may have decided, it shall be the duty of the Commissioner of the Revenue, and of the Auditor of the Treasury, finally to adjust the same, and in case of disagreement between the said Commissioner and Auditor, the decision of the Attorney General shall be final. And powers, with the Auditor and Attorney General.

Sec. 8. *And be it further enacted*, That in case of the death, absence from the seat of government, or sickness of the Secretary of State, Secretary of the Treasury, or of the Secretary of the War Department, or of any officer of either of the said departments whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons at his discretion to perform the duties of the said respective offices until a successor be appointed, or until such absence or inability by sickness shall cease. Power of the President on death, &c. of the heads of the three departments.

Sec. 9. *And be it further enacted*, That the forms of keeping and rendering all public accounts whatsoever, shall be prescribed by the department of the Treasury. Treasury department to prescribe forms for keeping accounts.

Sec. 10. *And be it further enacted*, That in addition to the compensations allowed to the Comptroller, Auditor, Treasurer, and Register of the Treasury, by the "act for establishing the salaries of the executive officers of go- Yearly allowance to certain officers of the Treasury & At.

Attorney General.

vernment, their assistants and clerks," and to the Attorney General by the "Act for allowing certain compensations to the judges of the supreme and other courts, and to the Attorney General of the United States," the said officers respectively shall be allowed the following yearly sums, viz. the Comptroller four hundred dollars; the Auditor four hundred dollars; the Treasurer four hundred dollars; the Register five hundred dollars; the Attorney General four hundred dollars.

Secretary of the Treasury allowed 2 principal clerks.

Sec. 11. *And be it further enacted*, That the Secretary of the Treasury be authorized to have two principal clerks, each of whom to have a salary of eight hundred dollars per annum; and that the salary of the chief clerk of the department of war, be at the rate of eight hundred dollars per year.

Restriction on his clerks as to carrying on trade abolished; and that as to the funds extended to all revenue officers, &c.

Sec. 12. *And be it further enacted*, That the restriction on the clerks of the department of the treasury, so far as respects the carrying on of any trade or business, other than in the funds, or debts of the United States or of any state; or in any kind of public property, be abolished, and that such restriction, so far as respects the funds or debts of the United States, or of any state, or any public property of either, be extended to the commissioner of the revenue, to the several commissioners of loans, and to all persons employed in their respective offices, and to all officers of the United States concerned in the collection or disbursement of the revenues thereof, under the penalties prescribed in the eighth section of the act, intitled, "An act to establish the treasury department," and the provisions relative to the officers in the treasury department, contained in the "Act to establish the post office and post roads."

Privilege of franking extended to commissioner of the revenue.

shall be and hereby are extended and applied to the commissioner of the revenue.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, May eighth, 1792 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XXXVIII.

*An Act supplementary to the Act making Pro-
vision for the Debt of the United States.*

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the term for receiving on loan that part of the domestic debt of the United States, which hath not been subscribed pursuant to the terms proposed in the act, intituled, "An act making provision for the debt of the United States," shall be, and it is hereby extended, on the same terms, as in and by the said act is provided, to the first day of March next ; and books, for receiving such farther subscriptions, shall be opened at the treasury of the United States, and by the commissioners of loans, in each of the said states, on the first day of June next, which shall continue open until the said first day of March next inclusively ; for which purpose, the said commiss

Terms for receiving on loan the unsubscribed domestic debt of U. States extended.

Subscription books to be opened.

fioners, respectively, are hereby invested with the like powers, and required to perform the like duties, as in and by the said act is directed.

Interest to
non sub-
scribing
creditors.

Sec. 2. *And be it further enacted*, That such of the creditors of the United States, as have not subscribed and shall not subscribe to the said loan, shall nevertheless receive a rate per centum on the amount of so much of their respective demands, as well for interest as principal, as, on or before the first day of March, shall be registered, conformably to the directions of the said act, as shall be equal to the interest payable to the subscribing creditors, which shall be payable at the same times and places, and by the same persons, as in and by the said act is directed.

Term for
receiving
state debts
extended.

Sec. 3. *And be it further enacted*, That the term for receiving upon loan that part of the debts of the respective states, which hath not been subscribed pursuant to the terms proposed in the act aforesaid, shall be, and it is hereby enlarged on the same terms, as in and by the said act is provided, until the first day of March one thousand seven hundred and ninety three inclusively ; for which purpose, books shall be opened at the treasury of the United States, and by the commissioners of loans in each of the said states, on the first day of June next, which shall continue open until the first day of March, one thousand seven hundred and ninety three inclusively ; for which purposes the said commissioners are hereby invested with the like powers, and required to perform the like duties, as, in and by the said act, is directed.

subscrip-
tion books
to be open-
ed.

Sec. 4. *Provided always, and be it further enacted*, That the commissioner of loans for

North-Carolina shall not be allowed to receive any certificate issued by Patrick Travers, commissioner of Cumberland county, or by the commissioners of army accounts at Warrenton.

Certain certificates of N. Carolina excluded.

Sec. 5. And whereas the United States are indebted to certain foreign officers, on account of pay and services during the late war, the interest whereof, pursuant to the certificates granted to the said officers by virtue of a resolution of the United States in Congress assembled, is payable at the house of

Debt due to certain foreign officers, President to cause to be paid.

Grand, banker, at Paris, and it is expedient to discharge the same; *Be it therefore enacted*, That the President of the United States be, and he hereby is authorized to cause to be discharged the principal and interest of the said debt, out of any of the monies, which have been or shall be obtained on loan, in virtue of the act aforesaid, and which shall not be necessary ultimately to fulfil the purposes for which the said monies are, in and by the said act, authorized to be borrowed.

Sec. 6. *And be it further enacted*, That the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, for the time being, shall be commissioners, who, or any three of whom, are hereby authorized, with the approbation of the President of the United States, to purchase the debt of the United States, at its market price, if not exceeding the par or true value thereof; for which purchase the interest on so much of the public debt, as has already been, or may hereafter be purchased for the United States, or as shall be paid into the treasury, and so much of the monies appropriated for the payment of the in-

Certain persons appointed commissioners to purchase debt of the U. S. &c.

interest on the foreign and domestic debt, as shall exceed what may be sufficient for the payment of such interest to the creditors of the United States, shall be and are hereby appropriated. And it shall be the duty of the said commissioners to render to the legislature, within two months after the commencement of the first session thereof in every year, a full and precise account of all such purchases made, and public debt redeemed, in pursuance of this act,

Out of a
fund erec-
ted for the
purpose

Sec. 7. And whereas it is expedient to establish a fund for the gradual reduction of the public debt; *Be it further enacted*, That the interest on so much of the debt of the United States, as has been or shall be purchased or redeemed for or by the United States, or as shall be paid into the treasury thereof in satisfaction of any debt or demand, and the surplus of any sum or sums appropriated for the payment of the interest upon the said debt, which shall remain after paying such interest, shall be, and hereby are appropriated and pledged firmly and inviolably for and to the purchase and redemption of the said debt, to be applied under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury and the Attorney General for the time being, or any three of them, with the approbation of the President of the United States, for the time being, in manner following, that is to say: First, to the purchase of the several species of stock constituting the debt of the United States, at their respective market prices, not exceeding the par or true value thereof, and, as nearly as may be, in equal proportions, until the annual amount of the said funds, together with any other provisions which may be made by law, shall be equal

how to be
applied.

to two per centum of the whole amount of the outstanding funded stock bearing a present interest of six per centum: Thenceforth, Secondly, to the redemption of the said last mentioned stock, according to the right for that purpose reserved to the United States, until the whole amount thereof shall have been redeemed: And Lastly, after such redemption, to the purchase, at its market price, of any other stock consisting of the debt of the United States, which may then remain unredeemed: and such purchase, as far as the fund shall at any time extend, shall be made within thirty days next after each day, on which a quarterly payment of interest on the debt of the United States, shall become due, and shall be made by a known agent, to be named by the said commissioners.

Sec. 8. *And be it further enacted*, That all future purchases of public debt on account of the United States, shall be made at the lowest price, at which the same can be obtained by open purchase, or by receiving sealed proposals, to be opened in the presence of the commissioners, or persons, authorized by them to make purchases, and the persons making such proposals.

Purchases
how to be
made.

Sec. 9. *And be it further enacted*, That quarter yearly accounts of the application of the said fund shall be rendered for settlement, as other public accounts, accompanied with returns of the sums of the said debt, which shall have been from time to time purchased or redeemed; and full and exact report of the proceedings of the said commissioners, including a statement of the disbursements, which shall have been made, and of the sums which shall have been purchased or redeemed under

Quarterly
accounts of
application
of said fund
to be ren-
dered, &c.

their direction, and specifying dates, prices, parties, and places, shall be laid before Congress, within the first fourteen days of each session which may ensue the present, during the execution of the said trust.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, May eighth, 1792 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XXXIX.

An Act to provide for a Copper Coinage.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the director of the mint, with the approbation of the President of the United States, be authorized to contract for and purchase a quantity of copper, not exceeding one hundred and fifty tons, and that the said director, as soon as the needful preparations shall be made, cause the copper by him purchased to be coined at the mint into cents and half cents, pursuant to "the act establishing a mint, and regulating the coins of the United States;" and that the said cents and half cents, as they shall be coined, be paid into the treasury of the United States, thence to issue into circulation.

Director of
the mint to
purchase
copper and
have coin-
ed into
cents, &c.

whence to
issue.

Sec. 2. *And be it further enacted*, That after the expiration of six calendar months from the time when there shall have been paid into the treasury by the said director, in cents and half cents, a sum not less than fifty thousand dollars, which time shall forthwith be announced by the treasurer in at least two gazettes or newspapers, published at the seat of the government of the United States for the time being, no copper coins or pieces whatsoever, except the said cents and half cents, shall pass current as money, or shall be paid, or offered to be paid or received in payment for any debt, demand, claim, matter or thing whatsoever; and all copper coins or pieces, except the said cents and half cents, which shall be paid or offered to be paid or received in payment contrary to the prohibition aforesaid, shall be forfeited, and every person by whom any of them shall have been so paid or offered to be paid or received in payment, shall also forfeit the sum of ten dollars, and the said forfeiture and penalty shall and may be recovered with costs of suit for the benefit of any person or persons by whom information of the incurring thereof shall have been given.

Director
to publish
when a
certain sum
has been
paid into
the treasu-
ry.

Penalty for
offering to
pass other
copper
coins.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, May eighth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XL.

An Act for making Compensations to the Commissioners of Loans for extraordinary Expenses.

(EXPIRED.)

CHAPTER XLI.

An Act making certain Appropriations therein specified.

Specific
appropriations.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be granted and appropriated the following sums for the following purposes, to wit: For the discharge of a balance to the commissioners appointed under the act of Congress of the fifteenth of March one thousand seven hundred and eighty five, two thousand seven hundred and eighty seven dollars and eighty eight cents; For additional salary to the first clerk of the commissioners for settling accounts between the United States and individual states, one hundred and eighty seven dollars and ninety one cents; For defraying the expense of stating and printing certain public accounts, pursuant to the order of the House of Representatives of the thirtieth of December one thousand seven hundred and ninety one, eight hundred dollars; For discharging the accounts of officers of the courts of the United States, jurors and witnesses, in aid of the fund heretofore appropriated, seventeen thousand dollars; For making good deficiencies in former appropriations, for defraying the expense

Specific
appropriations.

of the enumeration of the inhabitants of the United States, four thousand six hundred and ninety five dollars, and fifty nine cents ; For discharging certain accounts against the treasury department, to the end of the year one thousand seven hundred and ninety one, including a sum of six hundred dollars, for furnishing the supervisors of the revenue with screw-presses, seals, and other articles, one thousand nine hundred and fifty five dollars, and sixty one cents ; For a balance due to lieutenant John Freeman of the late Maryland line, on account of subsistence for the years one thousand seven hundred and eighty two and one thousand seven hundred and eighty three, forty one dollars and seventy five cents ; For compensations to the clerks of the acting commissioner of army accounts, and contingencies of his office, one thousand three hundred and twenty nine dollars and sixteen cents ; For additional compensation to the doorkeepers of the House of Representatives, pursuant to a resolution of the House, of the twenty fourth of March last, seven hundred dollars ; For the discharge of such demands against the United States, not otherwise provided for, as shall have been ascertained and admitted, in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, five thousand dollars : All which said sums, amounting together, to thirty four thousand four hundred and ninety seven dollars and ninety cents, shall and may be paid out of the funds following, any, or all of them ; namely ; the surpluses which may remain of appropriations heretofore made, after satisfying the purposes of such appropriations ; monies which have been paid into the

out of what
funds payable.

treasury, in consequence of balances which have been found due from individuals, relating to transactions prior to the present government of the United States; the surplus, not heretofore appropriated, of the duties on imports and tonnage, which accrued to the end of the year one thousand seven hundred and ninety one.

Additional appropriations for expence of adding another reg. to military establishment.

Sec. 2. *And be it further enacted*, That so much of the aforesaid surplus of the duties on imports and tonnage, which accrued to the end of the year one thousand seven hundred and ninety one, as may be necessary, shall be and is hereby appropriated, in addition to the provision heretofore made, towards defraying the expenses, which shall have been incurred in the execution of the act for raising and adding another regiment to the military establishment of the United States, and for making farther provision for the protection of the frontiers, within the limits of the sum of three hundred and twelve thousand, six hundred and eighty six dollars, and twenty cents thereby authorized; and towards reimbursing any sums, which may have been borrowed, or advances of money which may have been obtained for that purpose.

For intercourse with foreign nations.

Sec. 3. *And be it further enacted*, That a sum of fifty thousand dollars in addition to the provision heretofore made be appropriated to defray any expense which may be incurred in relation to the intercourse between the United States and foreign nations, to be paid out of any monies, which may be in the treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who, if necessary, is authorized to borrow, on the credit of the United States,

President may borrow 50,000 dols.

the said sum of fifty thousand dollars ; an account of the expenditure whereof as soon as may be, shall be laid before Congress.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, May eighth, 1792 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R XLII.

An Act respecting the Government of the Territories of the United States North West and South of the River Ohio.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws of the territory north-west of the river Ohio, that have been or hereafter may be enacted by the governor and judges thereof, shall be printed under the direction of the Secretary of State, and two hundred copies thereof, together with ten sets of the laws of the United States, shall be delivered to the said governor and judges, to be distributed among the inhabitants for their information, and that a like number of the laws of the United States shall be delivered to the governor and judges of the territory south-west of the river Ohio.

Laws of
N. West-
ern territo-
ry how to
be publish-
ed, distri-
buted, &c.

Power of
Governor
& Judges
herein.

Sec. 2. *And be it further enacted*, That the governor and judges of the territory north west of the river Ohio shall be, and hereby are authorized to repeal their laws by them made, whensoever the same may be found to be improper.

Power of
the secretaries.

Sec. 3. *And be it further enacted*, That the official duties of the secretaries of the said territories shall be under the controul of such laws, as are or may be in force in the said territories.

One supreme
judge may
hold court.

Sec. 4. *And be it further enacted*, That any one of the supreme or superior judges of the said territories, in the absence of the other judges, shall be and hereby is authorized to hold a court.

Seals by
whom pro-
vided.

Sec. 5. *And be it further enacted*, That the Secretary of Sate provide proper seals for the several and respective public offices in the said territories.

Their limitation act
disapproved.

Sec. 6. *And be it further enacted*, That the limitation act, passed by the governor and judges of the said territory, the twenty-eight day of December, one thousand seven hundred and eighty eight, be and hereby is disapproved.

Certain ex-
penses al-
lowed to
John C.
Symmes,
&c.

Sec. 7. *And be it further enacted*, That the expenses incurred by John Cleves Symmes and George Turner, two of the judges of the said territory, in sending an express, and in purchasing a boat to go the circuit, in the year one thousand seven hundred and ninety, shall be liquidated by the officers of the treasury,

and paid out of the treasury of the United States.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, May eighth, 1792 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XLIII.

*An Act to compensate the Services of the late
Colonel George Gibson.*

(PRIVATE.)

CHAPTER XLIV.

*An Act concerning the Claim of John Brown
Cutting against the United States.*

(PRIVATE.)

RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury cause to be provided, for the use of the several collectors in the United States, printed clearances, on the back whereof shall be a printed account of the methods, which have been found to answer for obtaining fresh, from salt water, and of constructing extempore stills, of such implements, as are generally on board of every vessel, with a recommendation, in all cases, where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette, on their return to the United States, or to communicate it for publication, to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas, which may occur to them in practice.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

RICHARD HENRY LEE, *President pro
tempore of the Senate.*

APPROVED, May eighth, 1792 :

GEORGE WASHINGTON,
President of the United States.

A C T S

PASSED AT THE

SECOND SESSION

OF THE

SECOND CONGRESS

OF THE

United States of America,

BEGUN AND HELD AT THE CITY OF PHILADELPHIA,

In the State of Pennsylvania,

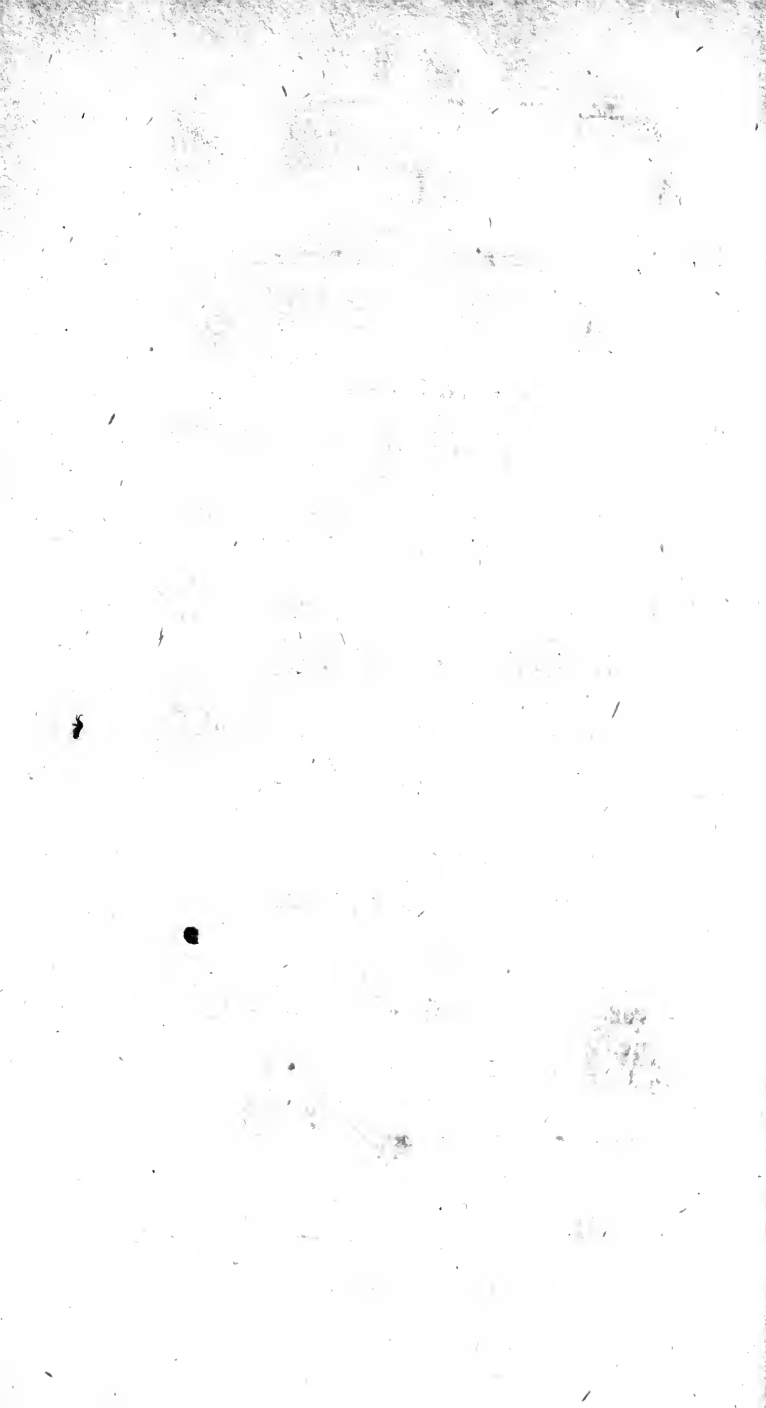
On Monday the Fifth of November,

IN THE YEAR M,DCC,XCII.

AND OF THE

Independence of the United States

THE SEVENTEENTH.



A C T S

O F

C O N G R E S S.

C H A P T E R I.

An Act concerning the Registering and Recording of Ships or Vessels.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That ships or vessels, which shall have been registered by virtue of the act, intitled, "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and those which after the last day of March next, shall be registered, pursuant to this act, and no other (except such as shall be duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them) shall be denominated and deemed ships or vessels of the United States, entitled to the benefits and privileges appertaining to such ships or vessels; *Provided*, That they shall not continue to enjoy the same, longer than they shall continue to be wholly owned, and to be commanded by a citizen or citizens of the said states.

What ships or vessels shall be deemed of the United States;

to enjoy the privileges only while owned, &c. by citizens of U. S.

Sec. 2. *And be it further enacted*, That ships or vessels built within the United States, whether before, or after, the fourth of July,

What ships
or vessels
may be re-
gistered.

Registry,
benefits of,
confined to
actual resi-
dents,

unless in
capacity of
consul, or
agent for a
house of
trade.

one thousand seven hundred and seventy-six, and belonging wholly to a citizen or citizens thereof, or not built within the said states, but on the sixteenth day of May, in the year one thousand seven hundred and eighty-nine, belonging, and thenceforth continuing to belong to a citizen or citizens thereof, and ships or vessels, which may hereafter be captured in war, by such citizen or citizens, and lawfully condemned as prize, or which have been or may be adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by a citizen or citizens thereof, and no other, may be registered as herein after directed : *Provided*, That no such ship or vessel shall be entitled to be so registered, or if registered, to the benefits thereof, if owned in whole, or in part, by any citizen of the United States, who usually resides in a foreign country, during the continuance of such residence, unless such citizen be in the capacity of a consul of the United States, or an agent for, and a partner in, some house of trade or co-partnership, consisting of citizens of the said states actually carrying on trade within the said states : *And provided further*, That no ship or vessel, built within the United States, prior to the said sixteenth day of May, which was not then owned wholly, or in part, by a citizen or citizens of the United States, shall be capable of being registered, by virtue of any transfer to a citizen or citizens, which may hereafter be made, unless by way of prize or forfeiture : *Provided nevertheless*, That this shall not be construed to prevent the registering anew, of any ship or vessel, which was before registered, pursuant to the act before mentioned.

Sec. 3. *And be it further enacted*, That every ship or vessel, hereafter to be registered (except as is herein after provided) shall be registered by the collector of the district in which shall be comprehended the port to which such ship or vessel shall belong, at the time of her registry, which port shall be deemed to be that, at or nearest to which, the owner, if there be but one, or if more than one, the husband or acting and managing owner of such ship or vessel, usually resides. And the name of the said ship or vessel, and of the port to which she shall so belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length. And if any ship or vessel of the United States, shall be found, without having her name, and the name of the port, to which she belongs, painted in manner aforesaid, the owner or owners shall forfeit fifty dollars; one half to the person giving the information thereof, the other half to the use of the United States.

By whom registered.

Ships or vessels name, &c. to be painted on the stern, &c.

forfeiture on neglect thereof.

Sec. 4. *And be it further enacted*, That in order to the registry of any ship or vessel, an oath or affirmation shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, who is hereby empowered to administer the same, declaring, according to the best of the knowledge and belief of the person so swearing or affirming, the name of such ship or vessel, her burthen, the place where she was built, if built within the United States, and the year in which she was built; and if built within the United States, before the said sixteenth day of May, one thousand seven hundred and eighty-nine, that she was then owned wholly, or in part, by a citizen

Registry, how to be obtained;

substance of the oath to be taken before registering officer.

Substance
of oath for
obtaining
registry of
ships or
vessels.

or citizens of the United States ; and if not built within the said states, that she was, on the said sixteenth day of May, and ever since, hath continued to be, the entire property of a citizen or citizens of the United States ; or that she was, at some time posterior to the time when this act shall take effect, (specifying the said time) captured in war by a citizen or citizens of the said states, and lawfully condemned as prize (producing a copy of the sentence of condemnation, authenticated in the usual forms) or that she has been adjudged to be forfeited for a breach of the laws of the United States (producing a like copy of the sentence whereby she shall have been so adjudged) and declaring his or her name and place of abode, and if he or she be the sole owner of the said ship or vessel, that such is the case ; or if there be another owner or other owners, that there is or are such other owner or owners, specifying his, her, or their name or names, and place or places of abode, and that he, she, or they, as the case may be, so swearing or affirming, is or are citizens of the United States ; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for, and a partner in, a house or co-partnership, consisting of citizens of the United States, and actually carrying on trade within the United States, that such is the case, and that there is no subject or citizen of any foreign prince or state, directly, or indirectly, by way of trust, confidence, or otherwise, interested in such ship or vessel, or in the profits, or issues thereof ; and that the master, or commander thereof is a citizen, naming the said master, or commander, and stating the means whereby, or manner in which, he

is so a citizen. And in case, any of the matters of fact, in the said oath or affirmation alleged, which shall be within the knowledge of the party, so swearing, or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person, by whom such oath or affirmation shall have been made: *Provided always*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall, himself, make oath, or affirmation, instead of the said owner, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars: *And provided further*, That in the case of a ship, or vessel, built within the United States, prior to the sixteenth day of May aforesaid, which was not then owned by a citizen, or citizens of the United States, but which, by virtue of a transfer to such citizen, or citizens, shall have been registered, pursuant to the act before mentioned, the oath or affirmation, hereby required, shall and may be varied, according to the truth of the case, as often as it shall be requisite to grant a new register, for such ship or vessel.

Forfeiture of vessel, &c. on swearing falsely.

How recovered;

in what cases masters of vessels, &c. shall make oath as to citizenship,

and, if not true, to forfeit 1000 dollars.

how the oath may be varied.

Sec. 5. *And be it further enacted*, That it shall be the duty of every owner, resident with-

Like oath
to be taken
by other
owners (if
any) than
the appli-
cant, &c.

within 90
days.

Before
whom.

on failure,
certificate
of registry
forfeited.

Ships, &c.
how and by
whom mea-
sured;

certificate
thereof give-
en.

in the United States, of any ship or vessel, to which a certificate of registry may be granted, (in case there be more than one such owner) to transmit to the collector, who may have granted the same, a like oath or affirmation with that herein before directed to be taken and subscribed by the owner, on whose application, such certificate shall have been granted, and within ninety days after the same may have been so granted; which oath or affirmation may, at the option of the party, be taken and subscribed, either before the said collector, or before the collector of some other district, or a judge of the supreme, or a district court of the United States, or of a superior court of original jurisdiction of some one of the states. And if such oath or affirmation shall not be taken, subscribed and transmitted, as is herein required, the certificate of registry, granted to such ship or vessel, shall be forfeit and void.

Sec. 6. *And be it further enacted*, That before any ship or vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the said ship or vessel may be, and if there be none, by such person as the collector of the district, within which she may be, shall appoint, according to the rule prescribed by the forty-third section of the act, intituled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandize, imported into the United States, and on the tonnage of ships or vessels." And the officer, or person, by whom such admeasurement shall be made, shall, for the information of, and as a voucher to the officer by whom the registry is to be made, grant a certificate, specifying

the built of such ship or vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a ship or vessel; and that her name, and the place to which she belongs, are painted on her stern, in manner required by the third section of this act; which certificate shall be countersigned by an owner, or by the master of such ship or vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which, the said certificate shall not be valid. But in all cases, where a ship or vessel has before been registered, as a ship or vessel of the United States, it shall not be necessary to measure her anew, for the purpose of obtaining another register; except such ship or vessel shall have undergone some alteration, as to her burthen, subsequent to the time of her former registry.

In what cases ships, &c. not to be measured anew.

Sec. 7. *And be it further enacted*, That, previous to the registry of any ship or vessel, the husband or acting and managing owner, together with the master thereof, and one or more sureties, to the satisfaction of the collector of the district, whose duty it is to make such registry, shall become bound to the United States, if such ship or vessel shall be of burthen not exceeding fifty tons, in the sum of four hundred dollars; if of burthen above fifty tons, and not exceeding one hundred, in the sum of eight hundred dollars; if of burthen above one hundred tons, and not exceeding two hundred, in the sum of twelve hundred dollars; if of burthen above two hundred tons, and not exceeding three hundred, in the sum of sixteen hun-

Bonds, how & by whom given, for faithful use of certificate of registry, &c.

dred dollars ; and if of burthen exceeding three hundred tons, in the sum of two thousand dollars ; with condition, in each case, that the certificate of such registry, shall be solely used for the ship, or vessel, for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person or persons whomsoever ; and that, in case such ship or vessel shall be lost, or taken by an enemy, burnt, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the said certificate, if preserved, shall be delivered up, within eight days after the arrival of the master, or person, having the charge or command of such ship or vessel, within any district of the United States, to the collector of such district ; And that if any foreigner, or any person or persons, for the use and benefit of such foreigner, shall purchase, or otherwise become entitled to the whole, or any part or share of, or interest in, such ship or vessel, the same being within a district of the United States, the said certificate shall, in such case, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the said district ; and that if any such purchase, change, or transfer of property, shall happen, when such ship or vessel shall be at any foreign port or place, or at sea, then the said master, or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district ; and every such certificate, so delivered up, shall be forthwith transmitted to the Register of the Treasury, to be cancelled, who, if the same shall have been delivered up to a collector, other than of the district in

In what
case certifi-
cate of re-
gistry given
up, &c.

which it was granted, shall cause notice of such delivery to be given to the collector of the said district.

Sec. 8. *And be it further enacted*, That in order to the registry of any ship or vessel, which, after the last day of March next, shall be built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom, or under whose direction, the said ship or vessel shall have been built, testifying, that she was built by him, or under his direction, and specifying the place where, the time when, and the person or persons for whom, and describing her built, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances, as are usually descriptive of the identity of a ship or vessel; which certificate shall be sufficient to authorize the removal of a new vessel, from the district where she may be built, to another district in the same, or an adjoining state, where the owner or owners actually reside, provided it be with ballast only.

Vessels built in U. S. after March, 1793, how to obtain register.

Sec. 9. *And be it further enacted*, That the several matters herein before required, having been complied with, in order to the registering of any ship or vessel, the collector of the district comprehending the port to which she shall belong, shall make, and keep, in some proper book, a record or registry thereof, and shall grant an abstract or certificate of such record or registry, as nearly as may be, in the form following:

Collector to keep record of registry,

“ In pursuance of an act of the Congress of the United States of America, intitled, “ An act concerning the registering and recording of ships or vessels,” [inserting here

and grant certificate thereof

the name, occupation, and place of abode, of the person by whom the oath or affirmation aforesaid, shall have been made] having taken or subscribed the oath (or affirmation) required by the said act, and having sworn (or affirmed) that he (or she, and if more than one owner, adding the words, "together with," and the name or names, occupation or occupations, place or places of abode, of the other owner or owners) is (or are) the only owner (or owners) of the ship or vessel, called the [inserting here her name] of [inserting here the port to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here, when and where built] and [inserting here, the name and office, if any, of the person by whom she shall have been surveyed or admeasured] having certified that the said ship or vessel has [inserting here, the number of decks] and [inserting here, the number of masts] and that her length is [inserting here, the number of feet] her breadth [inserting here, the number of feet] her depth [inserting here, the number of feet] and that she measures [inserting here, her number of tons] that she is [describing here, the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her built, and specifying whether she has any, or no gallery or head] and the said [naming the owner, or the master, or other person, acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned, as aforesaid] having agreed to the description and admeasurement, above specified, and sufficient security having been given,

Form of
certificate
of registry.

according to the said act, the said ship or vessel has been duly registered at the port of [naming the port where registered.] Given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year [specifying the number of the year, in words at length:"] *Provided*, That if the master, or person having the charge or command of such ship or vessel, shall, himself, have made oath or affirmation touching his being a citizen; the wording of the said certificate shall be varied so as to be conformable to the truth of the case: *And* *Provided*, That where a new certificate of registry is granted, in consequence of any transfer of a ship or vessel, the words shall be so varied, as to refer to the former certificate of registry, for her admeasurement.

How certificate of registry may be varied.

Sec. 10. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, to cause to be prepared, and transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the said certificates of registry, attested under the seal of the Treasury, and the hand of the Register thereof, with proper blanks, to be filled by the said collectors, respectively, by whom also the said certificates shall be signed and sealed, before they shall be issued; and where there is a naval-officer at any port, they shall be countersigned by him; and where there is a surveyor, but no naval-officer, they shall be countersigned by him; and a copy of each shall be transmitted to the said Register, who shall cause a record to be kept of the same.

Secretary of the Treasury,

to furnish forms of certificates of registry.

Sec. 11. *And be it further enacted*, That where any citizen or citizens of the United States shall purchase, or become owner or owners of any ship or vessel, entitled to be re-

Citizens
purchasing
vessels out
of their
proper dis-
trict, how
to obtain
register;

to be deli-
vered on
arriving at
their pro-
per port to
the collec-
tor.

collector to
grant a new
one.

gistered, by virtue of this act, such ship or vessel, being within any district, other than the one in which he or they usually reside, such ship or vessel shall be entitled to be registered by the collector of the district, where such ship or vessel may be, at the time of his or their becoming owner or owners thereof, upon his or their complying with the provisions herein before prescribed, in order to the registry of ships or vessels: And the oath or affirmation which is required to be taken, may, at the option of such owner or owners be taken, either before the collector of the district, comprehending the port to which such ship or vessel may belong, or before the collector of the district, within which such ship or vessel may be, either of whom is hereby empowered to administer the same: *Provided nevertheless*, That whenever such ship or vessel shall arrive within the district, comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained, as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act, in order to the registry of ships or vessels, being complied with, shall grant a new one, in lieu of the first; and the certificate, so delivered up, shall forthwith be returned by the collector who shall receive the same, to the collector who shall have granted it: and if the said first mentioned certificate of registry shall not be delivered up, as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which such ship or vessel may belong, shall, severally, forfeit the sum of one hundred dollars, to be recovered, with costs of suit;

and the said certificate of registry shall be thenceforth void. And in case any of the matters of fact, in the said oath or affirmation alledged, which shall be within the knowledge of the party so swearing or affirming, shall not be true, there shall a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided always*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall, himself, make oath or affirmation, instead of the said owner, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars.

Sec. 12. *And be it further enacted*, That when any ship or vessel, entitled to be registered, pursuant to this act, shall be purchased by an agent or attorney for, or on account of a citizen or citizens of the United States, such ship or vessel, being in a district of the United States, more than fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this act, such ship or vessel ought to be deemed to belong, it shall be lawful for the collector of the district, where such ship or vessel may be, and he

Vessels purchased by agents how registered.

vessels purchased by agents, how registered.

is hereby required, upon the application of such agent or attorney, to proceed to the registering of the said ship or vessel, the said agent or attorney, first complying, on behalf, and in the stead of; the owner or owners thereof, with the requisites prescribed by this act, in order to the registry of ships or vessels, except, that in the oath or affirmation, which shall be taken by the said agent or attorney, instead of swearing or affirming that he is owner, or an owner of such ship or vessel, he shall swear or affirm, that he is agent or attorney for the owner or owners thereof, and that he hath bona fide purchased the said ship or vessel, for the person or persons, whom he shall name and describe as the owner or owners thereof: *Provided nevertheless*, That whenever such ship or vessel shall arrive within the district comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained, as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act, in order to the registry of ships or vessels, being complied with, shall grant a new one, in lieu of the first; and the certificate, so delivered up, shall forthwith be returned by the collector, who shall transmit the same to the collector who shall have granted it. And if the said first mentioned certificate of registry, shall not be delivered up, as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which she may belong, shall, severally, forfeit the sum of one hundred dollars, to be recovered, with costs of suit, and the said certificate of registry shall be thenceforth void. And

in case, any of the matters of fact, in the said oath or affirmation alledged, which shall be within the knowledge of the party, so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided always*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall, himself, make oath or affirmation, instead of the said agent or attorney, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars.

Sec. 13. *And be it further enacted*, That if the certificate of the registry of any ship or vessel shall be lost or destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath or affirmation, before the collector of the district where such ship or vessel shall first be, after such loss, destruction, or mislaying, who is hereby authorized to administer the same, which oath or affirmation shall be of the form following: "I (inserting here the name of the person swearing or affirming) being master (or having the charge or command) of the

Oath to be taken on losing certificate of registry,

Oath to be
taken on
losing cer-
tificate of
registry.

ship or vessel, called the (inserting the name of the vessel) do swear (or affirm) that the said ship, or vessel hath been, as I verily believe, registered, according to law, by the name of (inserting again the name of the vessel) and that a certificate thereof was granted by the collector of the district of (naming the district, where registered) which certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be) and (except, where the certificate is alledged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district, in which it was granted ;" which oath, or affirmation shall be subscribed by the party making the same, and upon such oath or affirmation being made, and the other requisites of this act, in order to the registry of ships, or vessels, being complied with, it shall be lawful for the collector of the district, before whom such oath or affirmation is made, to grant a new register, inserting therein, that the same is issued, in the room of the one lost or destroyed. But in all cases, where a register shall be granted, in lieu of the one lost or destroyed, by any other than the collector of the district, to which the ship, or vessel actually belongs, such register shall, within ten days, after her first arrival within the district to which she belongs, be delivered up to the collector of the said district, who shall, thereupon, grant a new register, in lieu thereof. And in case the master, or commander shall neglect to deliver up such register, within the time aforesaid, he shall forfeit one hundred dollars ; and the former register shall become null and void.

Sec. 14. *And be it further enacted, That*

when any ship or vessel, which shall have been registered, pursuant to this act, or the act hereby, in part, repealed, shall, in whole, or in part, be sold, or transferred to a citizen or citizens of the United States, or shall be altered in form, or burthen, by being lengthened, or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in every such case the said ship or vessel shall be registered anew, by her former name, according to the directions herein before contained, (otherwise she shall cease to be deemed a ship or vessel of the United States) and her former certificate of registry shall be delivered up to the collector to whom application for such new registry shall be made, at the time, that the same shall be made, to be by him transmitted to the Register of the Treasury who shall cause the same to be cancelled. And in every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the said certificate, otherwise the said ship or vessel shall be incapable of being so registered anew. And in every case, in which a ship or vessel is hereby required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a ship or vessel of the United States. And further, if her said former certificate of registry shall not be delivered up, as aforesaid, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath or affirmation thereof shall have been made, as aforesaid, the owner or owners of such ship or vessel shall forfeit and pay the sum of five hundred dollars, to be recovered, with costs of suit.

Vessel sold
&c. to be
registered
anew.

Owner or
master to
report such
change to
collector.

Sec. 15. *And be it further enacted,* That when the master, or person having the charge or command of a ship or vessel, registered pursuant to this act, or the act hereby in part repealed, shall be changed; the owner, or one of the owners, or the new master of such ship or vessel, shall report such change to the collector of the district where the same shall happen, or where the said ship or vessel shall first be, after the same shall have happened, and shall produce to him the certificate of registry of such ship or vessel, and shall make oath or affirmation, shewing that such new master is a citizen of the United States, and the manner in which, or means whereby, he is so a citizen; whereupon the said collector shall endorse upon the said certificate of registry, a memorandum of such change, specifying the name of such new master, and shall subscribe the said memorandum with his name, and if other than the collector of the district, by whom the said certificate of registry shall have been granted, shall transmit a copy of the said memorandum to him, with notice of the particular ship or vessel, to which it shall relate; and the collector of the district, by whom the said certificate shall have been granted, shall make a like memorandum of such change, in his book of registers, and shall transmit a copy thereof, to the Register of the Treasury. And if the said change shall not be reported, or if the said oath or affirmation shall not be taken, as above directed, the registry of such ship or vessel shall be void, and the said master, or person, having the charge or command of her, shall forfeit and pay the sum of one hundred dollars.

Sec. 16. *And be it further enacted,* That if

any ship or vessel, heretofore registered, or which shall hereafter be registered, as a ship or vessel of the United States, shall be sold or transferred, in whole or in part by way of trust, confidence or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, in manner herein before directed, such ship or vessel, together with her tackle, apparel and furniture, shall be forfeited: *Provided*, That if such ship or vessel shall be owned in part only, and it shall be made appear to the jury, before whom the trial for such forfeiture shall be had, that any other owner of such ship or vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to, or ownership of, such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture; and the residue only shall be so forfeited.

Vessels sold to foreigners forfeited on neglect to make such report.

Sec. 17. *And be it further enacted*, That upon the entry of every ship or vessel of the United States, from any foreign port or place, if the same shall be at the port or place, at which the owner, or any of the part-owners reside, such owner or part-owner shall make oath or affirmation, that the register of such ship or vessel contains the name or names of all the persons, who are then owners of the said ship or vessel; or if any part of such ship or vessel has been sold or transferred, since the granting of such register, that such is the case, and that no foreign subject or citizen hath, to the best of his knowledge and belief, any share, by the way of trust, confidence, or otherwise, in such ship or vessel. And if the owner, or any part-owner, shall not reside at

Oath on entry of vessels of U. S. from foreign ports.

the port or place, at which such ship or vessel shall enter, then the master or commander shall make oath or affirmation, to the like effect. And if the owner, or part-owner, where there is one, or the master or commander, where there is no owner, shall refuse to swear or affirm as aforesaid, such ship or vessel shall not be entitled to the privileges of a ship or vessel of the United States.

Collector,
how to proceed on delivering up the register.

Sect. 18. *And be it further enacted,* That in all cases, where the master, commander, or owner of a ship or vessel, shall deliver up the register of such ship or vessel, agreeable to the provisions of this act, if to the collector of the district, where the same shall have been granted, the said collector shall, thereupon, cancel the bond, which shall have been given at the time of granting such register; or, if to the collector of any other district, such collector shall grant to the said master, commander, or owner, a receipt or acknowledgment, that such register has been delivered to him, and the time, when; and upon such receipt being produced to the collector, by whom the register was granted, he shall cancel the bond of the party, as if the register had been returned to him.

Certificates of registry to be numbered.

Sec. 19. *And be it further enacted,* That the collector of each district shall progressively number the certificates of the registry by him granted, beginning a new, at the commencement of each year, and shall enter an exact copy of each certificate, in a book to be kept for that purpose; and shall, once in three months, transmit to the Register of the Treasury, copies of all the certificates, which shall have been granted by him, including the number of each.

Sec. 20. *And be it further enacted,* That

every ship or vessel, built in the United States, after the fifteenth day of August, one thousand seven hundred and eighty nine, and belonging wholly, or in part, to the subjects of foreign powers, in order to be entitled to the benefits of a ship, built and recorded in the United States, shall be recorded in the office of the collector of the district, in which such ship or vessel was built, in manner following, that is to say ; The builder of every such ship or vessel shall make oath or affirmation, before the collector of such district, who is hereby authorized to administer the same, in manner following ; “I (inserting here the name of such builder) of (inserting here the place of his residence) shipwright, do swear (or affirm) that (describing here the kind of vessel, as, whether ship, brig, snow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel) having (inserting here the number of decks,) and being, in length (inserting here the number of feet) in breadth (inserting here the number of feet) in depth (inserting here the number of feet) and measuring (inserting here the number of tons) having (specifying, whether any or no) gallery, and (also specifying, whether any or no) head, was built by me, or under my direction, at (naming the place, county, and state) in the United States, in the year (inserting here the number of the year ;”) which oath, or affirmation, shall be subscribed by the person making the same, and shall be recorded in a book, to be kept, by the said collector, for that purpose.

Ships built in U. S. after 15 Aug. 1789, how to obtain registry.

Sec. 21. *And be it further enacted*, That the said collector shall cause the said ship or vessel to be surveyed or admeasured, according to the rule, prescribed by the forty-third section

Collectors have them surveyed.

of the act, intituled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandize, imported into the United States, and on the tonnage of ships or vessels;" and the person, by whom such admeasurement shall be made, shall grant a certificate thereof, as in the case of a ship or vessel to be registered; which certificate shall be countersigned by the said builder, and by an owner, or the master, or person having the command or charge thereof, or by some other person, being an agent for the owner or owners thereof, in testimony of the truth of the particulars therein contained.

And grant
certificate
of the re-
cord.

Sec. 22. *And be it further enacted*, That a certificate of the said record, attested under the hand and seal of the said collector, shall be granted to the master of every such ship or vessel, as nearly as may be, of the form following: "In pursuance of an act, intituled, "An act concerning the registering and recording of ships or vessels," I (inserting here the name of the collector of the district) of (inserting here the name of the district) in the United States, do certify, that (inserting here the name of the builder) of (inserting here the place of his residence, county, and state) having sworn, or affirmed, that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name) whereof (inserting here the name of the master) is, at present, master, was built at (inserting here the name of the place, county, and state, where built) by him, or under his direction, in the year (inserting here, the number of the year) and (inserting here, the name of the surveyor, or other person, by whom the same admeasure-

ment shall have been made) having certified, that the said ship or vessel has (inserting here, her number of decks) is, in length (inserting here, the number of feet) in breadth (inserting here, the number of feet) in depth (inserting here, the number of feet) and measures (inserting here, the number of tons): And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said ship or vessel has been recorded, in the district of (inserting here, the name of the district, where recorded) in the United States; Witness my hand and seal, this (inserting here, the day of the month) day of (inserting here, the name of the month) in the year (inserting here, the number of the year);” which certificate shall be recorded in the office of the said collector, and a duplicate thereof transmitted to the Register of the Treasury of the United States, to be recorded in his office.

Sec. 23. *And be it further enacted*, That if the master, or the name, of any ship or vessel so recorded shall be changed, the owner, part-owner, or consignee of such ship or vessel, shall cause a memorandum thereof to be endorsed on the certificate of the record, by the collector of the district, where such ship or vessel may be, or at which she shall first arrive, if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted, by the said collector, to the collector of the district, where such certificate was granted (if not the same person), who

Changes of master or name of the ship, to be endorsed on certificate of record.

shall enter the same in his book of records, and forward a duplicate of such entry, to the Register of the Treasury of the United States; and in such case, until the said owner, part-owner, or consignee, shall cause the said memorandum to be made, by the collector, in manner aforesaid, such ship or vessel shall not be deemed, or considered, as a vessel recorded, in pursuance of this act.

Certificate
to be pro-
duced on
entry,

in failure to
forfeit pri-
vileges of
this act.

Sec. 24. *And be it further enacted*, That the master, or other person having the command or charge of any ship or vessel, recorded in pursuance of this act, shall on entry of such ship or vessel, produce the certificate of such record, to the collector of the district, where she shall be so entered; in failure of which, the said ship or vessel shall not be entitled to the privileges of a vessel, recorded as aforesaid: *Provided always, and be it further enacted*, That nothing herein contained shall be construed to make it necessary to record, a second time, any ship or vessel, which shall have been recorded, pursuant to the act, hereby in part repealed: but such recording shall be of the like force and effect, as if made, pursuant to this act.

Fees.

how distri-
buted.

Sec. 25. *And be it further enacted*, That the fees and allowances, for the several services to be performed, pursuant to this act, and the distribution of the same, shall be as follows, to wit: For the admeasurement of every ship or vessel, of one hundred tons, and under, one cent per ton; for the admeasurement of every ship or vessel, above one hundred, and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel, above two hundred tons, two hundred cents; for every cer-

tificate of registry or record, two hundred cents; for every endorsement upon a certificate of registry or record, one hundred cents; and for taking every bond required by this act, twenty-five cents. The whole amount of which fees shall be received, and accounted for, by the collector, or, at his option, by the naval-officer, where there is one; and where there is a collector, naval-officer, and surveyor, shall be equally divided, monthly, between the said officers; and where there is no naval-officer, two-thirds to the collector, and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees, as shall arise in the port, for which he is appointed: *Provided always*, that, in all cases, where the tonnage of any ship or vessel shall be ascertained, by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor, out of the fees aforesaid, before any distribution thereof, as aforesaid. And every collector and naval-officer, and every surveyor, who shall reside at a port, where there is no collector, shall cause to be affixed, and constantly kept, in some conspicuous part of his office, a fair table of the rates of fees, demandable by this act.

distribution
of fees.

Sec. 26. *And be it further enacted*, That every collector, or officer, who shall knowingly make, or be concerned in making, any false register or record, or shall knowingly grant, or be concerned in granting, any false certificate of registry or record of, or for any ship or vessel, or other false document what-

Penalty on
making
false regis-
ters, or de-
manding
unlawful
fees.

soever, touching the same, contrary to the true intent and meaning of this act, or who shall designedly take any other, or greater fees, than are by this act allowed, or who shall receive any voluntary reward or gratuity, for any of the services performed, pursuant thereto; and every surveyor, or other person appointed to measure any ship or vessel, who shall wilfully deliver to any collector, or naval-officer, a false description of such ship or vessel, to be registered or recorded, shall, upon conviction of any such neglect, or offence, forfeit the sum of one thousand dollars, and be rendered incapable of serving in any office of trust or profit, under the United States; and if any person or persons, authorized and required by this act, in respect to his or their office or offices, to perform any act or thing, required to be done or performed, pursuant to any of the provisions of this act, shall wilfully neglect to do or perform the same, according to the true intent and meaning of this act, such person or persons shall, on being duly convicted thereof, if not subject to the penalty and disqualification aforesaid, forfeit the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall, thenceforth, be rendered incapable of holding any office of trust or profit under the United States.

On fraudulently using certificate of registry.

Sec. 27. *And be it further enacted*, That if any certificate of registry, or record, shall be fraudulently or knowingly used for any ship or vessel, not then actually intitled to the benefit thereof, according to the true intent of this act, such ship or vessel shall be forfeited to the United States, with her tackle, apparel, and furniture.

Sec. 28. *And be it further enacted*, That if On making false oath. any person or persons shall falsely make oath or affirmation, to any of the matters, herein required to be verified, such person or persons shall suffer the like pains and penalties as shall be incurred by persons committing wilful and corrupt perjury; and that if any person or persons shall forge, counterfeit, erase, alter, or falsify any certificate, register, record, or other document, mentioned, described or authorized, in and by this act, such person, or persons, shall, for every such offence, forfeit the sum of five hundred dollars.

Sec. 29. *And be it further enacted*, That all Penalties how recovered and disposed of. the penalties and forfeitures, which may be incurred, for offences against this act, shall and may be sued for, prosecuted and recovered, in such courts, and be disposed of, in such manner, as any penalties and forfeitures, which may be incurred, for offences against the act, intitled, “ An act to provide more effectually for the collection of the duties imposed by law, on goods, wares and merchandize imported into the United States, and on the tonnage of ships or vessels,” may legally be sued for, prosecuted, recovered and disposed of: *Provided always*, That if any officer entitled to a part, or share of any such penalty, or forfeiture, shall be necessary, as a witness, on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial; but in such case, he shall not receive, nor be entitled to any part or share of the said penalty or forfeiture; and the part or share, to which he would otherwise have been entitled, shall accrue to the United States.

When this
act shall
take effect,
&c.

Sec. 30. *And be it further enacted*, That from and after the last day of March next, this act shall be in full force and effect ; and so much of the act, intitled, “ An act for registering and clearing vessels, regulating the coasting trade, and for other purposes,” as comes within the purview of this act, shall, after the said last day of March, be repealed.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, thirty-first December, 1792 :

GEORGE WASHINGTON,
President of the United States.

C H A P T E R II.

An Act to amend an Act, intitled “ An Act establishing a Mint, and regulating the Coins of the United States,” so far as respects the Coinage of Copper.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every cent shall contain two hundred and eight grains of copper, and every half cent shall contain one hundred and four grains of copper ; and that so much of the act, intitled “ An act establishing a Mint, and regulating the Coins of the United States,” as respects the weight of cents

and half cents, shall be, and the same is hereby repealed.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, January fourteenth, 1793 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER III.

*An Act to provide for the Allowance of Interest
on the Sum ordered to be paid by the Resolve
of Congress, of the twenty-eighth of September,
one thousand seven hundred and eighty-five, as
an Indemnity to the Persons therein named.*

(PRIVATE.)

CHAPTER IV.

*An Act to continue in Force for a limited Time,
and to amend the Act, intituled " An Act pro-
viding the Means of Intercourse between the
United States, and Foreign Nations.*

Sec. 1. **B**E it enacted by the Senate and
House of Representatives of the
United States of America in Congress assembled,
That the act, intituled " An act providing the
means of intercourse between the United States

Act provi-
ding inter-
course with
foreign na-
tions conti-
nued.

and foreign nations," which would expire at the end of the present session of Congress, be, and the same hereby is, together with this act, continued in force for the space of one year, from the passing of this act, and from thence, until the end of the session of Congress then, or next thereafter holden, and no longer.

Accounts
thereof
how and
when set-
tled.

Sec. 2. *And be it further enacted*, That in all cases, where any sum or sums of money have issued, or shall hereafter issue, from the Treasury, for the purposes of intercourse or treaty, with foreign nations, in pursuance of any law, the President shall be, and he hereby is authorized to cause the same to be duly settled annually with the accounting officers of the Treasury, in manner following, that is to say; by causing the same to be accounted for, specifically, in all instances, wherein the expenditure thereof may, in his judgment, be made public; and by making a certificate or certificates, or causing the Secretary of State to make a certificate or certificates of the amount of such expenditures, as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, February ninth, 1793:

GEORGE WASHINGTON,
President of the United States.

CHAPTER V.

An Act regulating Foreign Coins, and for other Purposes.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of July next, foreign gold and silver coins shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise, viz. The gold coins of Great-Britain and Portugal, of their present standard, at the rate of one hundred cents for every twenty-seven grains of the actual weight thereof; the gold coins of France, Spain and the dominions of Spain, of their present standard, at the rate of one hundred cents for every twenty seven grains and two fifths of a grain, of the actual weight thereof. Spanish milled dollars, at the rate of one hundred cents for each dollar, the actual weight whereof shall not be less than seventeen penny weights and seven grains; and in proportion for the parts of a dollar. Crowns of France, at the rate of one hundred and ten cents, for each crown, the actual weight whereof, shall not be less than eighteen penny weights and seventeen grains, and in proportion for the parts of a crown. But no foreign coin that may have been, or shall be issued subsequent to the first day of January, one thousand seven hundred and ninety-two, shall be a tender, as aforesaid, until samples thereof shall have been found, by assay, at the mint of the United States, to be conformable to the res-

Rates of foreign coins established.

pective standards required, and proclamation thereof shall have been made by the President of the United States.

When all coins except Spanish dollars shall cease to be a tender.

Sec. 2. *Provided always, and be it further enacted,* That at the expiration of three years next ensuing the time when the coinage of gold and silver, agreeably to the act, intituled, "An act establishing a mint, and regulating the coins of the United States," shall commence at the mint of the United States, (which time shall be announced by the proclamation of the President of the United States) all foreign gold coins, and all foreign silver coins, except Spanish milled dollars and parts of such dollars, shall cease to be a legal tender, as aforesaid.

Other foreign coins to be coined anew.

Sec. 3. *And be it further enacted,* That all foreign gold and silver coins, (except Spanish milled dollars, and parts of such dollars) which shall be received in payment for monies due to the United States, after the said time, when the coining of gold and silver coins shall begin at the mint of the United States, shall, previously to their being issued in circulation, be coined anew, in conformity to the act, intituled "An act establishing a mint and regulating the coins of the United States."

After 1st of July 1793, 55th sec. of a certain act rating foreign coin, repealed.

Sec. 4. *And be it further enacted,* That from and after the first day of July next, the fifty-fifth section of the act, intituled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandize imported into the United States," which ascertains the rates at which foreign gold and silver coins shall be received for the duties and fees to be collected in virtue of the said act, be, and the same is hereby repealed.

Sec. 5. *And be it further enacted*, That the assay, provided to be made by the act, intituled, "An act establishing a mint, and regulating the coins of the United States," shall commence in the manner as by the said act is prescribed, on the second Monday of February, annually, any thing in the said act to the contrary notwithstanding.

Assay of coins when to commence.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, February ninth, 1793 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER VI.

An Act relative to Claims against the United States, not barred by any Act of Limitation, and which have not been already adjusted.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all claims upon the United States, for services or supplies, or for other cause, matter or thing, furnished or done, previous to the fourth day of March, one thousand seven hundred and eighty-nine, whether founded upon certificates, or other written documents from public officers, or otherwise, which have not already been barred by any act of limitation, and which shall not be presented at the treasury,

Limitation of certain claims against U. S. to 1st May, 1794.

before the first day of May, one thousand seven hundred and ninety-four, shall forever after be barred and precluded from settlement or allowance: *Provided*, That nothing herein contained, shall be construed to affect loan office certificates, certificates of final settlement, indents of interest, balances entered in the books of the Register of the Treasury, certificates issued by the Register of the Treasury, commonly called registered certificates, loans of money obtained in foreign countries, or certificates issued pursuant to the act, intitled, "An act making provision for the debt of the United States:" *And provided further*, That nothing herein contained, shall be construed to prohibit the proper officers of the treasury from demanding an account or accounts to be rendered, for any monies heretofore advanced, and not accounted for, or from admitting, under the usual forms and restrictions, credits for expenditures, equal to the sums which have been so advanced.

Auditor
how to
keep re-
cord of
claims pre-
sented.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Auditor of the Treasury, to receive all such claims aforesaid, as have not been heretofore barred by any act of limitation, as shall be presented before the time aforesaid, with the certificates, or other documents in support thereof, and to cause a record to be made of the names of the persons, and of the time when the said claims are presented; which record shall be made in the presence of the person or persons presenting the same, and shall be the only evidence that the said claims were presented, during the time limited by this act.

Officers of
treasury to
report to

Sec. 3. *And be it further enacted*, That it shall be the duty of the accounting officers of

the treasury, to make report to Congress, upon all such of the said claims, as shall not be allowed to be valid, according to the usual forms of the treasury. Congress claims deemed invalid.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, February twelfth, 1793 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER VII.

*An Act respecting Fugitives from Justice, and
Persons escaping from the Service of their
Masters.*

SECT. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That whenever the executive authority of any state in the Union, or of either of the territories north-west or south of the river Ohio, shall demand any person as a fugitive from justice, of the executive authority of any such state or territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, or an affidavit made before a magistrate of any state or territory as aforesaid, charging the person so demanded, with having committed treason, felony or other crime, certified as authentic by the governor or chief magistrate of the state or territory from whence the person so charged, fled, it shall be the duty of the executive authority of the state or territory to which such person shall have fled, to cause him or her to be arrested and se-

Fugitives from justice how to be apprehended and secured.

cured, and notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear: But if no such agent shall appear within six months from the time of the arrest, the prisoner may be discharged. And all costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the state or territory making such demand, shall be paid by such state or territory.

Penalty on
persons re-
scuing them.

Sec. 2. *And be it further enacted*, That any agent appointed as aforesaid, who shall receive the fugitive into his custody, shall be empowered to transport him or her to the state or territory from which he or she shall have fled. And if any person or persons shall by force set at liberty, or rescue the fugitive from such agent while transporting, as aforesaid, the person or persons so offending shall, on conviction, be fined not exceeding five hundred dollars, and be imprisoned not exceeding one year.

Proceed-
ings to be
had on es-
cape of per-
sons held
to labor.

Sec. 3. *And be it also enacted*, That when a person held to labour in any of the United States, or in either of the territories on the north-west or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territory, the person to whom such labour or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labour, and to take him or her before any judge of the circuit or district courts of the United States, residing or being within the state, or before any magistrate of a county, city or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of

such judge or magistrate, either by oral testimony or affidavit taken before and certified by a magistrate of any such state or territory; that the person so seized or arrested, doth, under the laws of the state or territory from which he or she fled, owe service or labour to the person claiming him or her; it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labour, to the state or territory from which he or she fled.

Sec. 4. *And be it further enacted,* That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney in so seizing or arresting such fugitive from labour, or shall rescue such fugitive from such claimant, his agent or attorney when so arrested pursuant to the authority herein given or declared; or shall harbour or conceal such person after notice that he or she was a fugitive from labour, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of five hundred dollars. Which penalty may be recovered by and for the benefit of such claimant, by action of debt, in any court proper to try the same; saving moreover to the person claiming such labour or service, his right of action for or on account of the said injuries or either them.

Penalty on
obstructing
claimants
of fugitives
from labor.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, February twelfth, 1793:

GEORGE WASHINGTON,
President of the United States.

CHAPTER VIII.

An Act for enrolling and licensing Ships or Vessels to be employed in the Coasting Trade and Fisheries, and for regulating the same.

What ships
shall be
deemed of
the United
States.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That ships or vessels, enrolled by virtue of “An act for registering and clearing vessels, regulating the coasting trade, and for other purposes,” and those of twenty tons and upwards, which shall be enrolled after the last day of May next, in pursuance of this act, and having a licence in force, or if less than twenty tons, not being enrolled shall have a licence in force, as is hereinafter required, and no others, shall be deemed ships or vessels of the United States, entitled to the privileges of ships or vessels employed in the coasting trade or fisheries.

Ships to
possess the
requisites
required by
a certain
act

to obtain
enrolment.

Sec. 2. *And be it further enacted,* That from and after the last day of May next, in order for the enrolment of any ship or vessel, she shall possess the same qualifications, and the same requisites, in all respects, shall be complied with, as are made necessary for registering ships or vessels, by the act, intitled, “An act concerning the registering and recording of ships or vessels,” and the same duties and authorities are hereby given and imposed on all officers, respectively, in relation to such enrolments, and the same proceedings shall be had, in similar cases, touching such enrolments; and the ships or vessels so enrolled, with the master, or owner or owners thereof, shall be subject to the same requisites, as

are in those respects provided for vessels registered by virtue of the aforesaid act; the record of which enrolment shall be made, and an abstract or copy thereof granted, as nearly as may be, in the form following: “Enrolment in conformity to an act of the Congress of the United States of America, intituled “An act for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same” [inserting here the name of the person with his occupation and place of abode, by whom the oath or affirmation is to be made] having taken and subscribed the oath (or affirmation) required by this act, and having sworn (or affirmed) that he (or she, and if more than one owner, adding the words “together with,” and the name or names, occupation or occupations, place or places of abode, of the owner or owners) is, (or are) a citizen (or citizens) of the United States, and sole owner (or owners) of the ship or vessel, called the [inserting here her name] of [inserting here the name of the port, to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here when and where built] and [inserting here, the name and office, if any, of the person, by whom she shall have been surveyed, or admeasured] having certified, that the said ship or vessel has [inserting here, the number of decks] and [inserting here, the number of masts] and that her length is [inserting here, the number of feet] her breadth [inserting here, the number of feet] her depth [inserting here, the number of feet] and that she measures [inserting here, her number of

Form of enrolment.

tons] that she is [describing here, the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her built, and specifying, whether she has any or no gallery or head] and the said [naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned] having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said act, the said ship or vessel has been duly enrolled, at the port of [naming the port where enrolled] Given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year, [specifying the number of the year, in words at length.]”

On what
conditions
collectors
may enrol
vessels.

Sec. 3. *And be it further enacted*, That it shall and may be lawful for the collectors of the several districts, to enrol and license any ship or vessel, that may be registered, upon such registry being given up, or to register any ship or vessel, that may be enrolled, upon such enrolment and license being given up. And when any ship or vessel shall be in any other district, than the one, to which she belongs, the collector of such district, on the application of the master or commander thereof, and upon his taking an oath or affirmation, that, according to his best knowledge and belief, the property remains, as expressed in the register or enrolment proposed to be given up, and upon his giving the bonds required for granting registers, shall make the exchanges aforesaid; but in every such case, the collector, to whom the register, or enrolment and licence may be given up, shall transmit the same to the register of the treasury; and the register, or enrol-

ment and licence, granted in lieu thereof, shall, within ten days after the arrival of such ship or vessel within the district, to which she belongs, be delivered to the collector of the said district, and be by him cancelled. And if the said master or commander shall neglect to deliver the said register or enrolment and licence, within the time aforesaid, he shall forfeit one hundred dollars.

Sec. 4. *And be it further enacted*, That in order to the licensing of any ship or vessel, for carrying on the coasting trade or fisheries, the husband, or managing owner, together with the master thereof, with one or more sureties to the satisfaction of the collector granting the same, shall become bound to pay to the United States, if such ship or vessel be of the burthen of five tons, and less than twenty tons, the sum of one hundred dollars; and if twenty tons, and not exceeding thirty tons, the sum of two hundred dollars; and if above thirty tons, and not exceeding sixty tons, the sum of five hundred dollars; and if above sixty tons, the sum of one thousand dollars, in case it shall appear, within two years from the date of the bond, that such ship or vessel has been employed in any trade, whereby the revenue of the United States has been defrauded during the time, the licence granted to such ship or vessel remained in force; and the master of such ship or vessel shall also swear, or affirm, that he is a citizen of the United States, and that such license shall not be used for any other vessel, or any other employment, than that, for which it is specially granted, or in any trade or business, whereby the revenue of the United States may be defrauded; and if such ship or vessel be less than twenty tons burthen, the husband

And those for carrying on the coasting trade licensed.

or managing owner shall swear or affirm, that she is wholly the property of a citizen or citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port, whereto such ship or vessel may belong, (the duty of six cents, per ton being first paid) to grant a licence, in the form following: "Licence for carrying on the [here insert, coasting trade, whale fishery, or cod fishery, as the case may be].

Form of the
licence to
coasting
vessels.

"In pursuance of an act of the Congress of the United States of America, intituled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," (inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode) having given bond, that the (insert here, the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be,) called the (insert here, the vessel's name) whereof the said (naming the master) is master, burthen (insert here, the number of tons, in words) tons, as appears by her enrolment, dated at (naming the district, day, month and year, in words at length (but if she be less than twenty tons, insert, instead thereof) proof being had of her admeasurement shall not be employed in any trade, while this licence shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this licence shall not be used for any other vessel, or for any other employment, than is herein specified, licence is hereby granted for the said (inserting here, the description of the vessel) called the (inserting here the vessel's name)

to be employed in carrying on the (inserting here, coasting trade, whale fishery, or cod fishery, as the case may be) for one year from the date hereof, and no longer: Given under my hand and seal, at (naming the said district) this (inserting the particular day) day of (naming the month) in the year (specifying the number of the year in words at length)."

Sec. 5. *And be it further enacted*, That no licence, granted to any ship or vessel, shall be considered in force, any longer than such ship or vessel is owned, and of the description set forth in such licence, or for carrying on any other business or employment, than that for which she is specially licenced, and if any ship or vessel be found with a forged or altered licence, or making use of a licence granted for any other ship or vessel, such ship or vessel, with her tackle, apparel, and the cargo found on board her, shall be forfeited.

How far
licences
shall be
deemed in
force.

Sec. 6. *And be it further enacted*, That after the last day of May next, every ship or vessel of twenty tons or upwards (other than such as are registered) found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licenced, or if less than twenty tons, and not less than five tons, without a licence, in manner as is provided by this act, such ship or vessel, if laden with goods, the growth or manufacture of the United States only (distilled spirits excepted) or in ballast, shall pay the same fees and tonnage in every port of the United States, at which she may arrive, as ships or vessels not belonging to a citizen or citizens of the United States, and if she have on board any articles of foreign growth or manufacture, or distilled

Certain
vessels not
complying
with this
act,

to be forfeited.

spirits, other than sea-stores, the ship or vessel, together with her tackle, apparel and furniture, and the lading found on board, shall be forfeited: *Provided*, however, if such ship or vessel be at sea, at the expiration of the time, for which the licence was given, and the master of such ship or vessel shall swear or affirm that such was the case, and shall also within forty-eight hours after his arrival deliver to the collector of the district in which he shall first arrive the licence which shall have expired, the forfeiture aforesaid shall not be incurred, nor shall the ship or vessel be liable to pay the fees and tonnage aforesaid.

Collectors
to number
licences.

Sec. 7. *And be it further enacted*, That the collector of each district shall progressively number the licences by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the Register of the treasury, copies of the licences, which shall have been so granted by him; and also of such licences, as shall have been given up or returned to him, respectively, in pursuance of this act. And where any ship or vessel shall be licenced, or enrolled anew, or being licenced or enrolled, shall afterwards be registered, or being registered, shall afterwards be enrolled, or licenced, she shall, in every such case, be enrolled, licenced or registered by her former name.

Vessels before proceeding on a foreign voyage to give up enrolment & obtain register.

Sec. 8. *And be it further enacted*, That if any ship or vessel, enrolled or licenced, as aforesaid, shall proceed on a foreign voyage, without first giving up her enrolment and licence, to the collector of the district comprehending the port, from which she is about to proceed on such foreign voyage, and being duly re-

gistered by such collector, every such ship or vessel, together with her tackle, apparel and furniture, and the goods, wares and merchandize, so imported therein, shall be liable to seizure and forfeiture: *Provided always*, if the port, from which such ship or vessel is about to proceed on such foreign voyage, be not within the district, where such ship or vessel is enrolled, the collector of such district shall give to the master of such ship or vessel a certificate, specifying that the enrolment and licence of such ship or vessel is received by him, and the time when it was so received; which certificate shall afterwards be delivered by the said master to the collector, who may have granted such enrolment and licence.

Sec. 9. *And be it further enacted*, That the licence, granted to any ship or vessel, shall be given up to the collector of the district, who may have granted the same, within three days after the expiration of the time, for which it was granted, in case such ship or vessel be then within the district, or if she be absent, at that time, within three days from her first arrival within the district afterwards, or if she be sold out of the district, within three days after the arrival of the master within any district, to the collector of such district taking his certificate therefor; and if the master thereof shall neglect, or refuse to deliver up the licence, as aforesaid, he shall forfeit fifty dollars; but if such licence shall have been previously given up to the collector of any other district, as authorized by this act, and a certificate thereof under the hand of such collector, be produced by such master, or if such licence be lost, or destroyed, or unintentionally mislaid, so that

Forfeiture
on neglect-
ing to give
up licence
about to
expire.

it cannot be found, and the master of such ship or vessel shall make and subscribe an oath or affirmation, that such licence is lost, destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is herein required, then the aforesaid penalty shall not be incurred. And if such licence shall be lost, destroyed, or unintentionally mislaid, as aforesaid, before the expiration of the time, for which it was granted, upon the like oath or affirmation being made and subscribed by the master of such ship or vessel, the said collector is hereby authorized and required, upon application being made therefor, to licence such ship or vessel anew.

When owners may cancel licence, and obtain new ones.

Sec. 10. *And be it further enacted,* That it shall and may be lawful for the owner or owners of any licensed ship or vessel, to return such licence to the collector who granted the same, at any time within the year, for which it was granted, who shall thereupon, cancel the same, and shall licence such vessel anew, upon the application of the owner or owners, and upon the conditions herein before required, being complied with; and in case the term, for which the former licence was granted, shall not be expired, an abatement of the tonnage of six cents per ton shall be made, in the proportion of the time so unexpired.

Licensed vessels to have name and port painted on the stern.

Sec. 11. *And be it further enacted,* That every licensed ship or vessel shall have her name, and the port to which she belongs, painted on her stern, in the manner as is provided for registered ships or vessels, and if any licensed ship or vessel be found, without such painting, the owner or owners thereof shall pay twenty dollars.

Sec. 12. *And be it further enacted*, That when the master of any licenced ship or vessel, ferry boats excepted, shall be changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same may happen, if there be one, otherwise, to the collector residing at any port, where such ship or vessel may next arrive, who, upon the oath or affirmation of such new master, or in case of his absence, of the owner or one of the owners, that he is a citizen of the United States, and that such ship or vessel shall not, while such licence continues in force, be employed in any manner, whereby the revenue of the United States may be defrauded, shall endorse such change on the licence, with the name of the new master; and when any change shall happen, as aforesaid, and such change shall not be reported, and the endorsement made of such change, as is herein required, such ship or vessel, found carrying on the coasting trade or fisheries, shall be subject to pay the same fees and tonnage, as a vessel of the United States, having a register, and the said new master shall forfeit and pay the sum of ten dollars.

Proceedings on change of masters of licenced vessels.

Sec. 13. *And be it further enacted*, That it shall be lawful, at all times, for any officer concerned in the collection of the revenue, to inspect the enrolment or licence of any ship or vessel; and if the master of any such ship or vessel shall not exhibit the same, when thereunto required by such officer, he shall pay one hundred dollars.

By whom enrolments may be inspected.

Sec. 14. *And be it further enacted*, That the master or commander of every ship or vessel licenced for carrying on the coasting trade,

Duty of
masters of
licenced
coasting
vessels, ha-
ving on
board dis-
tilled spi-
rits, &c.

exceeding
in value
800 dollars.

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out dupli-
cate mani-
fests.

destined from a district in one state, to a district in the same, or an adjoining state on the sea coast, or on a navigable river, having on board, either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, tea in chests or boxes exceeding five hundred pounds, coffee in casks or bags exceeding one thousand pounds, or foreign merchandize in packages, as imported, exceeding in value four hundred dollars, or goods, wares or merchandize, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, shall, previous to the departure of such ship or vessel, from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such ship or vessel, specifying in such manifests, the marks and numbers of every cask, bag, box, chest or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each, and if there be a collector or surveyor, residing at such port, or within five miles thereof, he shall deliver such manifests to the collector, if there be one, otherwise to the surveyor, before whom he shall swear or affirm, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereupon paid or secured, or if spirits distilled within the United States, that the duties thereupon have been paid or secured, whereupon the said collector or surveyor shall certify the same on the said manifests, one of

which he shall return to the said master, with a permit, specifying thereon, generally, the lading on board such ship or vessel, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden and destined, as aforesaid, shall depart from the port where she may then be, without the master or commander having first made out and subscribed duplicate manifests of the lading on board such ship or vessel, and in case there be a collector or surveyor residing at such port, or within five miles thereof, without having previously delivered the same to the said collector or surveyor, and obtaining a permit, in manner as is herein required, such master or commander shall pay one hundred dollars.

Sec. 15. *And be it further enacted*, That the master or commander of every ship or vessel licenced for carrying on the coasting trade, having on board, either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, tea in chests or boxes exceeding five hundred pounds, coffee in casks or bags exceeding one thousand pounds, or foreign merchandize in packages, as imported, exceeding in value four hundred dollars, or goods, wares or merchandize, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, and arriving from a district in one state, at a district in the same or an adjoining state on the sea-coast, or on a navigable river, shall, previous to the unloading of any part of the cargo of such ship

Duty of
masters of
licenced
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Duty of
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vessels hav-
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rits, &c.

or vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer, residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed (if there be such manifest) otherwise the duplicate manifests thereof, as is herein before directed, to the truth of which, before such officer, he shall swear or affirm. And if there have been taken on board such ship or vessel, any other or more goods, than are contained in such manifest or manifests, since her departure from the port, from whence she first sailed, or if any goods have been since landed, the said master or commander shall make known and particularize the same to the said collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear or affirm : Whereupon, the said collector or surveyor shall grant a permit for unlading a part, or the whole of such cargo, as the said master or commander may request. And if there be no collector or surveyor, residing at, or within five miles of the said port of her arrival, the master or commander of such ship or vessel may proceed to discharge the lading from on board such ship or vessel, but shall deliver to the collector or surveyor, residing at the first port, where he may next afterwards arrive, and within twenty four hours of his arrival, the manifest or manifests aforesaid, noting thereon the times when, and places where, the goods, therein mentioned, have been unladen, to the truth of which, before the said

last mentioned collector or surveyor, he shall swear or affirm ; and if the master or commander of any such ship or vessel, being laden as aforesaid, shall neglect or refuse to deliver the manifest or manifests, at the times, and in the manner, herein directed, he shall pay one hundred dollars.

Sec. 16. *And be it further enacted*, That the master or commander of every ship or vessel, licenced for carrying on the coasting trade, and being destined from any district of the United States, to a district other than a district in the same, or an adjoining state, on the sea-coast, or on a navigable river, shall, previous to her departure, deliver to the collector residing at the port where such ship or vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, or if there be no cargo on board, he shall so certify, and if there be any distilled spirits, or goods, wares and merchandize, of foreign growth or manufacture on board, other than what may, by the collector, be deemed sufficient for sea-stores, he shall specify in such manifests, the marks and numbers of every cask, bag, box, chest or package, containing the same, with the name, and place of residence, of every shipper and consignee of such distilled spirits, or goods of foreign growth or manufacture, and the quantity shipped by, and to each, to be by him subscribed, and to the truth of which, he shall swear or affirm ; and shall also swear or affirm before the said collector or surveyor, that such goods, wares, or

Duty of masters of vessels destined from any district to other than a district in the same or an adjoining state.

Forfeiture
on neglect-
ing it.

merchandize, of foreign growth or manufacture, were, to the best of his knowledge and belief, legally imported, and the duties thereupon, paid or secured; or if spirits distilled within the United States, that the duties thereupon, have been duly paid or secured; upon the performance of which, and not before, the said collector or surveyor shall certify the same on the said manifests; one of which he shall return to the master, with a permit, thereto annexed, authorizing him to proceed to the port of his destination. And if any such ship or vessel shall depart from the port where she may then be, having distilled spirits, or goods, wares or merchandize, of foreign growth or manufacture on board, without the several things herein required, being complied with, the master thereof shall forfeit one hundred dollars; or if the lading be of goods, the growth or manufacture of the United States only, or if such ship or vessel have no cargo, and she depart, without the several things herein required, being complied with, the said master shall forfeit and pay fifty dollars.

Masters of
coasting
vessels
when and
to whom to
deliver ma-
nifests.

Sec. 17. *And be it further enacted*, That the master or commander of every ship or vessel, licenced to carry on the coasting trade, arriving at any district of the United States, from any district, other than a district in the same, or an adjoining state on the sea-coast, or on a navigable river, shall deliver to the collector residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one, or the other, may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty four hours, or if at a greater distance,

within forty-eight hours next after his arrival ; and previous to the unlading any of the goods brought in such ship or vessel, the manifest of the cargo (if there be any) certified by the collector, or surveyor of the district from whence she last sailed, and shall make oath or affirmation, before the said collector or surveyor, that there was not, when he sailed from the district where his manifest was certified, or has been since, or then is, any more, or other goods, wares or merchandize of foreign growth or manufacture, or distilled spirits (if there be any, other than sea-stores, on board such vessel) than is therein mentioned ; and if there be no such goods, he shall so swear or affirm ; and if there be no cargo on board, he shall produce the certificate of the collector or surveyor of the district from whence she last sailed, as aforesaid, that such is the case : Whereupon such collector or surveyor shall grant a permit for unlading the whole, or part of such cargo (if there be any) within his district, as the master may request ; and where a part only of the goods, wares and merchandize, of foreign growth or manufacture, or of distilled spirits, brought in such ship or vessel, is intended to be landed, the said collector or surveyor shall make an endorsement of such part, on the back of the manifest, specifying the articles to be landed ; and shall return such manifest to the master, endorsing also thereon, his permission for such ship or vessel, to proceed to the place of her destination ; and if the master of such ship or vessel shall neglect or refuse to deliver the manifest, (or if he has no cargo, the certificate) within the time herein directed, he shall forfeit one hundred dollars, and the goods, wares and mer-

under oath

and obtain
permit for
unlading.

chandize of foreign growth or manufacture, or distilled spirits, found on board, or landed from such ship or vessel, not being certified, as is herein required, shall be forfeited, and if the same shall amount to the value of eight hundred dollars, such ship or vessel, with her tackle, apparel and furniture, shall be also forfeited.

In what cases masters of vessels may be exempt from delivering manifests

Sec. 18. *And be it further enacted*, That nothing in this act contained shall be so construed, as to oblige the master or commander of any ship or vessel, licenced for carrying on the coasting trade, bound from a district in one state to a district in the same, or an adjoining state on the sea-coast, or on a navigable river, having on board goods, wares or merchandize, of the growth, product or manufactures of the United States only (except distilled spirits) or distilled spirits, not more than five hundred gallons, wine in casks not more than two hundred and fifty gallons, or in bottles not more than one hundred dozens, sugar in casks or boxes not more than three thousand pounds, tea in chests or boxes not more than five hundred pounds, coffee in casks or bags not more than one thousand pounds, or foreign merchandize in packages as imported, of not more value than four hundred dollars, or goods, wares or merchandize, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value shall be not more than eight hundred dollars, to deliver a manifest thereof, or obtain a permit, previous to her departure, or on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was

In others how to be provided with them.

on board such ship or vessel, at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading consists of distilled spirits, or goods, wares or merchandize, of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest or package, containing the same, with the name of the shipper and consignee of each; which manifest shall be by him exhibited, for the inspection of any officer of the revenue, when, by such officer, thereunto required; and shall also inform such officer, from whence such ship or vessel last sailed, and how long she has been in port, when by him so interrogated. And if the master of such ship or vessel shall not be provided, on his arrival within any such district, with a manifest, and exhibit the same, as is herein required, if the lading of such ship or vessel consist wholly of goods, the produce or manufacture of the United States (distilled spirits excepted) he shall forfeit twenty dollars, or if there be distilled spirits or goods, wares, or merchandize, of foreign growth or manufacture, on board, excepting what may be sufficient for sea-stores, he shall forfeit forty dollars; or if he shall refuse to answer the interrogatories truly, as is herein required, he shall forfeit the sum of one hundred dollars. And if any of the goods laden on board such ship or vessel, shall be of foreign growth or manufacture, or of spirits distilled within the United States, so much of the same, as may be found on board such ship or vessel, and which shall not be included in the manifest exhibited by such master, shall be forfeited.

Forfeiture
on neglect
thereof.

Sec. 19. *And be it further enacted*, That it shall and may be lawful for the collector of

Collector
of Pennsylv-
vania may

grant permits for transporting foreign goods to certain states;

under what regulations.

the district of Pennsylvania, to grant permits for the transportation of goods, wares or merchandize of foreign growth or manufacture, across the state of New-Jersey, to the district of New-York, or across the state of Delaware, to any district in the state of Maryland or Virginia; and for the collector of the district of New-York, to grant like permits for the transportation across the state of New-Jersey; and for the collector of any district of Maryland or Virginia, to grant like permits for the transportation across the state of Delaware, to the district of Pennsylvania: *Provided*, That every such permit shall express the name of the owner, or person sending such goods, and of the person or persons, to whom such goods shall be consigned, with the marks, numbers and description of the packages, whether bale, box, chest, or otherwise, and the kind of goods contained therein, and the date, when granted; and the owner or person sending such goods, shall swear or affirm, that they were legally imported, and the duties thereupon paid or secured: *And provided also*, That the owner or consignee of all such goods, wares and merchandize, shall, within twenty-four hours after the arrival thereof, at the place to which they were permitted to be transported, report the same, to the collector of the district where they shall so arrive, and shall deliver up the permit accompanying the same, and if the owner or consignee aforesaid, shall neglect or refuse to make due entry of such goods within the time, and in the manner, herein directed, all such goods, wares and merchandize shall be subject to forfeiture; and if the permit granted shall not be given up, within

the time limited for making the said report, the person or persons to whom it was granted, neglecting or refusing to deliver it up, shall forfeit fifty dollars for every twenty-four hours it shall be withheld afterwards: *Provided*, That where the goods, wares and merchandize, to be transported in manner aforesaid, shall be of less value than eight hundred dollars, the said oath and permit shall not be deemed necessary, nor shall the owner or consignee be obliged to make report to the collector of the district where the said goods, wares and merchandize shall arrive.

Sec. 20. *And be it further enacted*, That when any ship or vessel of the United States, registered according to law, shall be employed in going from any one district in the United States, to any other district, such ship or vessel, and the master or commander thereof, with the goods she may have on board, previous to her departure from the district, where she may be, and also, upon her arrival in any other district, shall be subject (except as to the payment of fees) to the same regulations, provisions, penalties and forfeitures, and the like duties are imposed on like officers, as is provided by the sixteenth and seventeenth sections of this act, for ships or vessels licenced for carrying on the coasting trade: *Provided however*, that nothing herein contained, shall be construed to extend to registered ships or vessels of the United States, having on board goods, wares and merchandize of foreign growth or manufacture, brought into the United States in such ship or vessel from a foreign port, and on which the duties have not been paid or secured, according to law.

Registered vessels employed in going from district to district subject to regulations in Sec 16 & 17 of this act.

Sec. 21. *And be it further enacted*, That

Duty of
masters of
ships licen-
ced for car-
rying on
the fishery.

when any ship or vessel, licenced for carrying on the fishery, shall be intended to touch and trade at any foreign port or place, it shall be the duty of the master, commander, or owner, to obtain permission for that purpose, from the collector of the district where such ship or vessel may be, previous to her departure, and the master or commander of every such ship or vessel, shall deliver like manifests, and make like entries, both of the ship or vessel, and of the goods, wares, or merchandize on board, within the same time, and under the same penalty, as by the laws of the United States, are provided for ships or vessels of the United States arriving from a foreign port. And if any ship or vessel, licenced for carrying on the fisheries, shall be found within three leagues of the coast, with goods, wares, or merchandize of foreign growth or manufacture, exceeding the value of five hundred dollars, without having such permission, as is herein directed, such ship or vessel, together with the goods, wares, or merchandize of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

Of masters
of vessels
transport-
ing goods
from dis-
trict to dis-
trict.

Sec. 22. *And be it further enacted,* That the master or commander of every ship or vessel, employed in the transportation of goods from district to district, that shall put into a port, other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival, to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and if the master of such ship or vessel shall neglect or refuse to do the same, he shall forfeit twenty dollars.

Sec. 23. *And be it further enacted*, That if the master or commander of any ship or vessel, employed in the transportation of goods from district to district, having on board goods, wares, or merchandize of foreign growth or manufacture, or distilled spirits, shall, on his arrival at the port to which he was destined, have lost or mislaid the certified manifest of the same, or the permit which was given therefor, by the collector or surveyor of the district from whence he sailed, the collector of the district where he shall so arrive, shall take bond for the payment of the duties on such goods, wares and merchandize of foreign growth or manufacture, or distilled spirits, within six months, in the same manner, as though they were imported from a foreign country: *Provided however*, such bond shall be cancelled, if the said master shall deliver, or cause to be delivered to the collector taking such bond, and within the term therein limited for payment, a certificate from the collector or surveyor of the district, from whence he sailed, that such goods were legally exported in such ship or vessel, from such district.

Duty of collectors on masters of vessels having lost their manifests.

Sec. 24. *And be it further enacted*, That the master or commander of every foreign ship or vessel, bound from a district in the United States, to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district, duplicate manifests of the lading on board such ship or vessel, if there be any, or if there be none, he shall declare that such is the case, and to the truth of such manifests or declaration, he shall swear or affirm, and also obtain a permit, from the said collector, authorizing him to proceed to the place of his

Masters of vessels bound from district to district previously to deliver duplicate manifests to collector, &c.

destination. And the master or commander of every such ship or vessel, on his arrival within any district, from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unloading any goods from on board such ship or vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such ship or vessel, if any there be, or if in ballast only, he shall so declare, and to the truth of which manifest or declaration, he shall swear or affirm; and also, that such manifest contains an account of all the goods, wares, and merchandize which were on board such ship or vessel, at the time, or have been, since her departure from the place, from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed. And if the master or commander of any such ship or vessel, shall neglect or refuse complying with any of the requirements herein made, he shall forfeit one hundred dollars: *Provided always*, That nothing herein contained shall be construed as affecting the payment of tonnage, or any other requirements which such ships or vessels are now subject to by the present existing laws of the United States.

Forfeiture
on neglect
thereof.

Enrolment
dec. by
whom issued.

Sec. 25. *And be it further enacted*, That in every case, where the collector is, by this act, directed to grant any enrolment, licence, certificate, permit, or other document, the naval-officer residing at the port (if there be one) shall sign the same, and every surveyor who shall certify a manifest, or grant a permit, or who shall receive any certified manifest, or a

permit as is provided for in this act, shall make monthly returns thereof, or sooner, if it can conveniently be made, to the collector of the district where such surveyor may reside.

Sec. 26. *And be it further enacted*, That before any ship or vessel, of the burthen of five tons, and less than twenty tons, shall be licenced, the same admeasurement shall be made of such ship or vessel, and the same provisions observed relative thereto, as are to be observed in case of admeasuring ships or vessels to be registered or enrolled; but in all cases, where such ship or vessel, or any other licenced ship or vessel, shall have been once admeasured, it shall not be necessary to measure such ship or vessel anew, for the purpose of obtaining another enrolment or licence, except such ship or vessel shall have undergone some alteration as to her burthen, subsequent to the time of her former licence.

How vessels under 20 tons shall be admeasured, &c.

Sec. 27. *And be it further enacted*, That it shall be lawful for any officer of the revenue, to go on board of any ship or vessel, whether the shall be within or without his district, and the same to inspect, search and examine, and if it shall appear, that any breach of the laws of the United States has been committed, whereby such ship or vessel, or the goods, wares and merchandize on board, or any part thereof, is, or are liable to forfeiture, to make seizure of the same.

Revenue officers may go on board vessels without their districts.

Sec. 28. *And be it further enacted*, That in every case, where a forfeiture of any ship or vessel, or of any goods, wares or merchandize, shall accrue, it shall be the duty of the collector, or other proper officer, who shall give notice of the seizure of such ship or ves-

Collector's duty in cases of forfeiture.

iel, or of such goods, wares or merchandize, to insert in the same advertisement, the name or names, and the place or places of residence, of the person or persons, to whom any such ship or vessel, goods, wares and merchandize belonged, or were consigned, at the time of such seizure, if the same shall be known to him.

Forfeiture
on record-
ing enrol-
ment, &c.
contrary to
this act.

Sec. 29. *And be it further enacted*, That every collector, who shall knowingly make any record of enrolment or licence of any ship or vessel, and every other officer, or person, appointed by, or under them, who shall make any record, or grant any certificate, or other document whatever, contrary to the true intent and meaning of this act, or shall take any other, or greater fees, than are, by this act, allowed, or shall receive, for any service performed, pursuant to this act, any reward or gratuity, and every surveyor, or other person appointed to measure ships or vessels, who shall wilfully deliver to any collector, or naval-officer, a false description of any ship or vessel, to be enrolled or licenced, in pursuance of this act, shall, upon conviction of any such neglect or offence, forfeit to the United States five hundred dollars, and be rendered incapable of serving in any office of trust or profit, under the United States. And if any person, authorized and required by this act, in respect to his office, to perform any act or thing required by this act, shall wilfully neglect or refuse to do and perform the same, according to the true intent and meaning of this act, such person, on being duly convicted thereof, if not hereby subject to the penalty and disqualifications aforesaid, shall forfeit and pay the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall

from thence forward, be rendered incapable of holding any office of trust or profit under the United States.

Sec. 30. *And be it further enacted*, That if any person or persons, shall swear or affirm to any of the matters, herein required to be verified, knowing the same to be false, such person or persons shall suffer the like pains and penalties as shall be incurred by persons committing wilful and corrupt perjury. And if any person or persons shall forge, counterfeit, erase, alter or falsify any enrolment, licence, certificate, permit, or other document, mentioned or required in this act, to be granted by any officer of the revenue, such person or persons, so offending, shall forfeit five hundred dollars.

Penalty on swearing falsely.

On counterfeiting or falsifying enrolment.

Sec. 31. *And be it further enacted*, That if any person or persons shall assault, resist, obstruct, or hinder any officer in the execution of this act, or of any other act or law of the United States, herein mentioned, or of any of the powers or authorities vested in him by this act, or any other act or law, as aforesaid, all and every person and persons so offending, shall, for every such offence, for which no other penalty is particularly provided, forfeit five hundred dollars.

On obstructing the execution of this act.

Sec. 32. *And be it further enacted*, That if any licenced ship or vessel shall be transferred in whole, or in part, to any person, who is not, at the time of such transfer, a citizen of, and resident within the United States, or if any such ship or vessel, shall be employed in any other trade than that for which she is licenced, or shall be found with a forged or altered licence, or one granted for any other ship or vessel, every such ship or vessel, with her tac-

On transferring vessels to foreigners, &c.

kle, apparel and furniture, and the cargo found on board her, shall be forfeited.

Sec. 33. Provided nevertheless, and be it further enacted, That in all cases where the whole or any part of the lading, or cargo on board, any ship or vessel, shall belong bona fide to any person or persons other than the master, owner, or mariners, of such ship or vessel, and upon which the duties shall have been previously paid or secured, according to law, shall be exempted from any forfeiture under this act, any thing therein contained to the contrary notwithstanding.

In what cases vessels shall be exempt from forfeiture.

Sec. 34. And be it further enacted, That the fees and allowances for the several duties and services, to be performed, in virtue of this act, shall be as follow; that is to say:

Fees allowed under this act.

For admeasuring every ship or vessel, in order to the enrolment, or licencing and recording the same, if of the burthen of five tons, and less than twenty tons, fifty cents; if of twenty tons, and not exceeding seventy tons, seventy-five cents; if above seventy tons, and not exceeding one hundred tons, one hundred cents; if above one hundred tons, one hundred and fifty cents:

For every certificate of enrolment, fifty cents:

For every endorsement on a certificate of enrolment twenty cents:

For every licence, and granting the same, including the bond, if not exceeding twenty tons, twenty-five cents; if above twenty, and not more than one hundred tons, fifty cents; and if more than one hundred tons, one hundred cents:

For every endorsement on a licence, twenty cents:

For certifying manifests, and granting a permit for a licenced vessel to proceed from district to district, twenty-five cents, if less than fifty tons, and if above fifty tons, fifty cents :

For receiving a certified manifest, and granting a permit, on the arrival of such vessel, twenty-five cents, if less than fifty tons, and if above fifty tons, fifty cents :

For certifying manifests, and granting a permit for a registered vessel to proceed from district to district, one hundred and fifty cents :

For receiving a certified manifest, and granting a permit, on the arrival of such registered vessel, one hundred and fifty cents :

For granting a permit for a vessel, not belonging to a citizen or citizens of the United States, to proceed from district to district, and receiving the manifest, two hundred cents :

For receiving a manifest, and granting a permit, to unload, for such last mentioned vessel, on her arrival in one district from another district, two hundred cents :

For granting a permit for a vessel carrying on the fishery, to trade at a foreign port, twenty-five cents, and for the report and entry of any foreign goods imported in such vessel, twenty-five cents.

And where a surveyor shall certify a manifest, or grant a permit, or receive a certified manifest and grant a permit, the fees arising therefrom shall be received by him solely for his use. And all other fees arising, by virtue of this act, shall be received, and accounted for, by the collector, or, at his option, by the naval-officer, where there is one, and where there is a collector, naval officer, and surveyor, shall be equally divided, monthly, between the said officers ; and where there is no naval

Disposal of fees under this act.

officer, two thirds to the collector, and the other third to the surveyor ; and where there is only a collector, he shall receive the whole amount thereof ; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees, as shall arise in the port, for which he is appointed : *Provided always*, That in all cases, where the tonnage of any ship or vessel, shall be ascertained, by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor, out of the fees aforesaid, before any distribution thereof, as aforesaid ; and every collector and naval officer, and every surveyor, who shall reside at a port where there is no collector, shall cause to be affixed, and constantly kept, in some conspicuous place of his office, a fair table of the rates of fees, demandable by this act.

Penalties &
forfeitures
how sued
for and re-
covered.

Sec. 35. *And be it further enacted*, That all penalties and forfeitures, which shall be incurred by virtue and force of this act, shall and may be sued for, prosecuted and recovered, in like manner, as penalties and forfeitures, incurred by virtue of the act, intitled “ An act to regulate the collection of the duties imposed by law on goods wares and merchandize imported into the United States, and on the tonnage of ships or vessels,” may be sued for, prosecuted and recovered, and shall be appropriated in like manner : *Provided always*, That if any officer, entitled to a part or share of any such penalty or forfeiture, shall be necessary as a witness on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial ; but in such case, he shall not receive, or be entitled to any part or share of the said penalty or forfeiture, and the part or share to which he would otherwise have

been entitled, shall accrue to the United States.

Sec. 36. *And be it further enacted*, That this act shall commence and take effect, from and after the last day of May next, and thenceforth, the act intituled, "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and also, the act, intituled, "An act to explain and amend an act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall be repealed, and cease to operate, except as to the validity of the registers, records, enrolments and licences, with the certificates and documents, which shall have been done or granted, in pursuance of those acts, prior to the first day of June next, which shall continue to be of the like force and effect, as if the said acts were not repealed; and except also, as to the prosecution, recovery and distribution of, and for fines, penalties and forfeitures, which may have been incurred, prior to the first day of June next, for which purpose likewise, the said acts shall continue in force.

When this act shall be in force, & certain other acts repealed.

Sec. 37. *And be it further enacted*, That nothing in this act, shall be construed to extend to any boat or lighter, not being masted, or if masted, and not decked, employed in the harbor of any town or city.

Nothing herein to extend to boats, &c.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, eighteenth of February, 1793 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER IX.

An Act providing Compensation to the President and Vice-President of the United States.

Compensation to the President & Vice-President.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the third day of March in the present year, the compensation of the President of the United States shall be at the rate of twenty-five thousand dollars per annum, with the use of the furniture and other effects belonging to the United States, and now in possession of the President: And that of the Vice-President, at the rate of five thousand dollars per annum, in full for their respective services, to be paid quarter-yearly, at the Treasury.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, eighteenth of February, 1793 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER X.

An Act to repeal Part of a Resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, respecting the Inhabitants of Post Saint Vincents.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, as requires the French and Canadian inhabitants, and other settlers at Post Saint Vincents, to pay for the survey of the several tracts, which they rightfully claimed, and which had been allotted to them, according to the laws and usages of the government, under which they had settled, be, and hereby is repealed: And that such surveys thereof, as may have been made, be paid for by the United States, not exceeding the rates hitherto established by Congress for making surveys.

Inhabitants
of Post St.
Vincents
relieved
from ex-
pense of
certain sur-
veys.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, February twenty-first, 1793 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XI.

*An Act to promote the Progress of useful Arts ;
and to repeal the Act heretofore made for that
Purpose.*

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That when any person or persons being a citizen or citizens of the United States, shall allege that he or they have invented any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matter, not known or used before the application, and shall present a petition to the Secretary of State, signifying a desire of obtaining an exclusive property in the same, and praying that a patent may be granted therefor, it shall and may be lawful for the said Secretary of State, to cause letters patent to be made out in the name of the United States; bearing test by the President of the United States, reciting the allegations and suggestions of the said petition, and giving a short description of the said invention or discovery, and thereupon granting to such petitioner, or petitioners, his, her or their heirs, administrators or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using and vending to others to be used, the said invention or discovery, which letters patent shall be delivered to the Attorney General of the United States, to be examined ; who, within fifteen days after such delivery, if he finds the same conformable to this act, shall certify accord-

Letters patent how & by whom made out.

To bear test by the President, and

ingly at the foot thereof, and return the same to the Secretary of State, who shall present the letters patent thus certified, to be signed, and shall cause the seal of the United States to be thereto affixed: and the same shall be good and available to the grantee or grantees, by force of this act, and shall be recorded in a book, to be kept for that purpose, in the office of the Secretary of State, and delivered to the patentee or his order.

Sec. 2. *Provided always, and be it further enacted,* That any person, who shall have discovered an improvement in the principle of any machine, or in the process of any composition of matter, which shall have been patented, and shall have obtained a patent for such improvement, he shall not be at liberty to make, use or vend the original discovery, nor shall the first inventor be at liberty to use the improvement: And it is hereby enacted and declared, that simply changing the form or the proportions of any machine, or composition of matter, in any degree, shall not be deemed a discovery.

The liberty of using an improvement defined.

Sec. 3. *And be it further enacted,* That every inventor, before he can receive a patent, shall swear or affirm, that he does verily believe, that he is the true inventor or discoverer of the art, machine, or improvement, for which he solicits a patent, which oath or affirmation may be made before any person authorized to administer oaths, and shall deliver a written description of his invention, and of the manner of using, or process of compounding the same, in such full, clear and exact terms, as to distinguish the same from all other things before known, and to enable any person skilled in the art or science, of which it is a branch, or

How to proceed to obtain letters patent.

with which it is most nearly connected, to make, compound, and use the same. And in the case of any machine, he shall fully explain the principle, and the several modes, in which he has contemplated the application of that principle or character, by which it may be distinguished from other inventions; and he shall accompany the whole with drawings and written references, where the nature of the case admits of drawings, or with specimens of the ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention is of a composition of matter; which description, signed by himself, and attested by two witnesses, shall be filed in the office of the Secretary of State, and certified copies thereof shall be competent evidence, in all courts, where any matter or thing, touching such patent-right, shall come in question. And such inventor shall, moreover, deliver a model of his machine, provided the Secretary shall deem such model to be necessary.

Inventors
may assign
their titles.

Sec. 4. *And be it further enacted*, That it shall be lawful for any inventor, his executor or administrator, to assign the title and interest in the said invention, at any time, and the assignee having recorded the said assignment, in the office of the Secretary of State, shall thereafter stand in the place of the original inventor, both as to right and responsibility, and so the assignees of assigns, to any degree.

Forfeiture
on using
patented
inventions
without
leave.

Sec. 5. *And be it further enacted*, That if any person shall make, devise and use, or sell the thing so invented, the exclusive right of which shall, as aforesaid, have been secured to any person by patent, without the consent of the patentee, his executors, administrators

or assigns, first obtained in writing, every person, so offending, shall forfeit and pay to the patentee, a sum, that shall be at least equal to three times the price, for which the patentee has usually sold or licenced to other persons, the use of the said invention; which may be recovered in an action on the case founded on this act, in the circuit court of the United States, or any other court having competent jurisdiction.

How recovered.

Sec. 6. *Provided always, and be it further enacted,* That the defendant in such action shall be permitted to plead the general issue, and give this act and any special matter, of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, in evidence, tending to prove, that the specification, filed by the plaintiff, does not contain the whole truth relative to his discovery, or that it contains more than is necessary to produce the described effect, which concealment or addition shall fully appear to have been made, for the purpose of deceiving the public, or that the thing, thus secured by patent, was not originally discovered by the patentee, but had been in use, or had been described in some public work, anterior to the supposed discovery of the patentee, or that he had surreptitiously obtained a patent for the discovery of another person: in either of which cases, judgment shall be rendered for the defendant, with costs, and the patent shall be declared void.

How defendants may give this act in evidence,

and judgment shall be given.

Sec. 7. *And be it further enacted,* That where any state before its adoption of the present form of government, shall have granted an exclusive right to any invention, the party claiming that right, shall not be capable of ob-

State rights to inventions when to be deemed void.

taining an exclusive right under this act, but on relinquishing his right under such particular state, and of such relinquishment, his obtaining an exclusive right under this act shall be sufficient evidence.

How applications depending under former law shall be prosecuted under this act.

Sec. 8. *And be it further enacted*, That the persons, whose applications for patents, were, at the time of passing this act, depending before the Secretary of State, Secretary at War, and Attorney General, according to the act, passed the second session of the first Congress, intituled, "An act to promote the progress of useful arts," on complying with the conditions of this act, and paying the fees herein required, may pursue their respective claims to a patent under the same.

Proceedings to be had on interfering applications.

Sec. 9. *And be it further enacted*, That in case of interfering applications, the same shall be submitted to the arbitration of three persons, one of whom shall be chosen by each of the applicants, and the third person shall be appointed by the Secretary of State; and the decision or award of such arbitrators, delivered to the Secretary of State, in writing and subscribed by them, or any two of them, shall be final, as far as respects the granting of the patent: And if either of the applicants shall refuse or fail to choose an arbitrator, the patent shall issue to the opposite party. And where there shall be more than two interfering applications, and the parties applying shall not all unite in appointing three arbitrators, it shall be in the power of the Secretary of State to appoint three arbitrators for the purpose.

Sec. 10. *And be it further enacted*, That, upon oath or affirmation being made, before the judge of the district court, where the paten-

tee, his executors, administrators or assigns reside, that any patent, which shall be issued in pursuance of this act, was obtained surreptitiously, or upon false suggestion, and motion made to the said court, within three years after issuing the said patent, but not afterwards, it shall and may be lawful for the judge of the said district court, if the matter alledged shall appear to him to be sufficient, to grant a rule, that the patentee, or his executor, administrator or assign, shew cause, why process should not issue against him to repeal such patent. And if sufficient cause shall not be shewn to the contrary, the rule shall be made absolute, and thereupon the said judge shall order process to be issued against such patentee, or his executors, administrators or assigns, with costs of suit. And in case, no sufficient cause shall be shewn to the contrary, or if it shall appear, that the patentee was not the true inventor or discoverer, judgment shall be rendered by such court for the repeal of such patent; and if the party, at whose complaint the process issued, shall have judgment given against him, he shall pay all such costs, as the defendant shall be put to, in defending the suit, to be taxed by the court, and recovered in due course of law.

And against persons surreptitiously obtaining patents.

Sec. 11. *And be it further enacted,* That every inventor, before he presents his petition to the Secretary of State, signifying his desire of obtaining a patent, shall pay into the Treasury thirty dollars, for which he shall take duplicate receipts; one of which receipts he shall deliver to the Secretary of State, when he presents his petition: and the money, thus paid, shall be in full for the sundry services, to be performed in the office of the Secretary

Inventor before presenting petition to pay thirty dollars into the treasury.

Copying
fees.

of State, consequent on such petition, and shall pass to the account of clerk-hire in that office. *Provided nevertheless*, That for every copy, which may be required at the said office, of any paper respecting any patent, that has been granted, the person obtaining such copy, shall pay at the rate of twenty cents, for every copy-sheet of one hundred words, and for every copy of a drawing, the party obtaining the same, shall pay two dollars: of which payments, an account shall be rendered, annually, to the treasury of the United States, and they shall also pass to the account of clerk-hire, in the office of the Secretary of State.

Former act
repealed.

SECT. 12. *And be it further enacted*, That the act, passed the tenth day of April, in the year one thousand seven hundred and ninety, intitled, “An act to promote the progress of useful arts,” be, and the same is hereby repealed. *Provided always*, That nothing, contained in this act, shall be construed to invalidate any patent, that may have been granted under the authority of the said act; and all patentees under the said act, their executors, administrators and assigns, shall be considered within the purview of this act, in respect to the violation of their rights: *Provided*, such violations shall be committed, after the passing of this act.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, February twenty-first, 1793:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XII.

An Act to authorize the Comptroller of the Treasury to settle the Account of Thomas Wisbart, late a Lieutenant in the Army of the United States.

(PRIVATE.)

CHAPTER XIII.

An Act to authorize the Adjustment of a Claim of Joseph Henderson against the United States.

(PRIVATE.)

CHAPTER XIV.

An Act making Provision for the Persons therein mentioned.

WHEREAS Colonel John Harding, and Major Alexander Trueman, while employed in carrying messages of peace to the hostile Indians, were killed by the said Indians:

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That four hundred and fifty dollars per annum for seven years, be allowed to the widow and orphan-children of the said Colonel John Harding, and the sum of three hundred dollars per annum, for the same term of seven years, to the orphan-children of the said Major Alexander Trueman, to commence on the first day of July, one thousand seven hundred and ninety-two, and to be paid

Allowance to the widows and orphan children of J. Harding & Alex Trueman.

half yearly, at the Treafury, to the faid widow, and to the guardians of the faid orphan-children, or to their legal attornies.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, February twenty-seventh, 1793:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XV.

*An Act for repealing the several Impost-Laws of
the United States, so far as they may be deemed
to impose a Duty on useful Beasts imported for
Breed.*

Duty on
beasts im-
ported for
breed, to be
repealed.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the several laws of the United States, imposing duties on goods, wares and merchandize imported into the United States, so far as they may be deemed to impose a duty on horses, cattle, sheep, swine or other useful beasts, imported into the United States, for breed, shall be repealed.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, February twenty-seventh, 1793:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XVI.

An Act in Addition to, and Alteration of the Act, intitled, "An Act to extend the Time limited for settling the Accounts of the United States with the individual States."

Section 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the second section of the act, intitled, "An act to extend the time limited for settling the accounts of the United States with the individual states," which extended the powers of the board of commissioners to the settlement of the accounts between the United States and the state of Vermont, be and hereby is repealed.

2d sec. of act extending powers of the board of commissioners repealed.

Sec. 2. *And be it further enacted,* That the board of commissioners established to settle the accounts between the United States and the individual states, in apportioning the aggregate of all the balances due to each state, between the states, agreeably to the act, intitled, "An act to provide more effectually for the settlement of the accounts between the United States and the individual states," shall have no regard to the state of Vermont.

Vermont not to be regarded in apportioning balances,

Sec. 3. *And be it further enacted,* That in the apportioning of the balances aforesaid, the state of Kentucky shall be deemed to be included in the state of Virginia, the admission

and Kentucky to be included with Virginia.

of the said state of Kentucky as a member of the union notwithstanding.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, February twenty-seventh, 1793 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XVII.

An Act to regulate the Claims to Invalid Pensions.

WHEREAS the act, passed at the last session of Congress, intituled, "An act to provide for the settlement of the claims of Widows and Orphans barred by the limitations heretofore established, and to regulate the claims to Invalid Pensions," is found by experience inadequate to prevent the admission of improper claims to invalid pensions, and not to contain a sufficient facility for the allowance of such as may be well founded: Therefore,

Sections of
certain for-
mer act re-
pealed.

Sec. 1. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the second, third and fourth sections of the said act, be repealed, and that in future, all claims to such pensions shall be regulated in the manner following, to wit :*

First : All evidence relative to invalids shall be taken upon oath or affirmation, before the judge of the district, in which such invalids reside, or before any three persons specially authorized by commission from the said judge.

Evidence
relative to
invalids
how taken.

Secondly : The evidence relative to any claimant must prove decisive disability to have been the effect of known wounds, received while in the actual line of his duty, in the service of the United States, during the late war. That this evidence must be the affidavits of the commanding officer or surgeon of the ship, regiment, corps or company, in which such claimant served, or two other credible witnesses, to the same effect, setting forth the time and place of such known wound.

Thirdly : Every claimant shall be examined upon oath or affirmation, by two physicians or surgeons, to be authorized by commission from the said judge, who shall report, in writing, their opinion, upon oath or affirmation, of the nature of the said disability, and, in what degree it prevents the claimant from obtaining his livelihood by labour.

Fourthly : Every claimant shall produce evidence of the time of his leaving the service of the United States. He must also produce evidence of three reputable freeholders of the city, town or county, in which he usually resided, for the two years immediately after he left the service, as aforesaid, of the existence of his disability, during that period ; and ascertaining, of their own knowledge, the mode of life, employment, labour or means of support of the claimant.

Fifthly : And the said claimant must produce the evidence of two credible witnesses,

of the continuance of his disability, from the expiration of the said two years, to the time of his application.

Sixthly : Each claimant must shew a good and sufficient cause why he did not apply for a pension to the person or persons authorized to examine his claim on or before the eleventh of December, one thousand seven hundred and eighty-eight, the time limited for applications of this nature.

Seventhly : No evidence of any claimant shall be admitted whose claim has been examined and rejected, on or before the aforesaid eleventh of December, one thousand seven hundred and eighty-eight.

Sec. 2. *And be it further enacted*, That the judge of the district shall transmit a list of such claims, accompanied by the evidence herein directed, to the Secretary for the department of War, in order that the same may be compared with the muster-rolls, and other documents in his office ; and the said Secretary shall make a statement of the cases of the said claimants to Congress, with such circumstances and remarks, as may be necessary, in order to enable them to take such order thereon, as they may judge proper.

Sec. 3. *And be it further enacted*, That no person not on the pension-list, before the twenty-third day of March, one thousand seven hundred and ninety-two, shall be entitled to a pension, who shall not have complied with the rules and regulations herein prescribed ; saving however to all persons, all and singular their rights founded upon legal adjudications under the act, intituled “ An act to provide for the settlement of the claims of Widows and Orphans, barred by the limitations here-

District
judge to
transmit
list of
claims to
Secretary
at War,

by whom
they are to
be stated to
Congress.

How per-
sons shall
be entitled
to a pen-
sion under
this act.

tofore established, and to regulate the claims to invalid pensions :” But it shall be the duty of the Secretary at War, in conjunction with the Attorney-General, to take such measures as may be necessary to obtain an adjudication of the supreme court of the United States, on the validity of any such rights claimed under the act aforesaid, by the determination of certain persons styling themselves commissioners.

Duty of Secretary at War & Attorney-General.

Sec. 4. *And be it further enacted*, That no claim to a pension shall be allowed under this act, which shall not be presented within two years from the passing the same.

Limitation of claims under this act.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United States, and President of the Senate.*

APPROVED, February twenty-eighth, 1793 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XVIII.

An Act making Appropriations for the Support of Government for the Year one thousand seven hundred and ninety-three.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That for the service of the year one thousand seven hundred and ninety-three, there be appropriated a sum of money, not exceeding one million five hundred and eighty-nine thousand, and forty-four dollars, and seventy-two cents ; that is to say :

Specific appropriations for the year 1793.

For the compensations granted by law to

Specific ap-
propriati-
ons for the
year 1793.

the President and Vice-President of the United States, thirty thousand dollars: For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and forty-three thousand, five hundred and ninety-one dollars: For the salaries of the doorkeepers and assistant-doorkeepers of the Senate and House of Representatives, under the act for their compensation, passed the twelfth of April, one thousand seven hundred and ninety-two, one thousand two hundred and thirty-three dollars, and sixty-eight cents: For the expenses of firewood, stationary, printing work, and all other contingent expenses of the two Houses of Congress, nine thousand five hundred and fifty-two dollars: For making good a deficiency in the appropriation, in the year one thousand seven hundred and ninety-two, for contingent expenses in the office of the clerk of the House of Representatives, five hundred and seventy-eight dollars: For the compensations granted by law, to the chief justice, associate judges, district judges, and the attorney general, forty-three thousand two hundred dollars: For the additional salary of the attorney general, by the act of the eighth of May, one thousand seven hundred and ninety-two, two hundred and sixty dollars, and eighty-two cents: For defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties, twelve thousand dollars: For defraying the expenses of prosecutions for offences against the United States, and for the safe-keeping of prisoners, four thousand dollars: For compensation to the secretary of the treasury, clerks

and persons employed in his office, eight thousand three hundred and fifty dollars : For salary of the two principal clerks to the secretary of the treasury, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, one thousand and forty-three dollars and twenty-eight cents : For expense of stationary, printing, and all other contingent expenses in the office of the secretary of the treasury, five hundred dollars : For compensation to the comptroller of the treasury, clerks and persons employed in his office, nine thousand four hundred and fifty dollars : For the encreased salary of the comptroller, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents : For expense of stationary, printing and all other contingent expenses in the comptroller's office, six hundred dollars : For compensation to the auditor of the treasury, clerks and persons employed in his office, ten thousand four hundred and fifty dollars : For the encreased salary of the auditor, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, two hundred and sixty dollars, and eighty-two cents : For expense of stationary, printing, and other contingent expenses, in the auditor's office, six hundred dollars : For compensation to the register of the treasury, clerks and persons employed in his office, eighteen thousand six hundred dollars : For the encreased salary of the register of the treasury, from the eighth of May, to the thirty-first of December, one thousand seven hundred and ninety-two, three hundred and twenty-six dollars and three cents, and for making good the

Specific appropriations for the year 1793.

Specific ap-
propriati-
ons for the
year 1793.

deficiency in the appropriation of one thousand seven hundred and ninety-two, one hundred dollars ; making, in the whole, four hundred and twenty six dollars and three cents : For expenses of stationary, printing and other contingent expenses, in the register's office, two thousand dollars : For compensation to the treasurer, clerks and persons employed in his office, four thousand one hundred dollars : For the encreased salary of the treasurer, from the eighth of May, to the thirty-first of December, one thousand seven hundred and ninety-two, and for making good a deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for clerks in that office, five hundred and thirty dollars and sixty-eight cents : For expense of firewood, stationary, printing and other contingencies in the treasurer's office, four hundred and fifty dollars : For compensation to the commissioner of the revenue, clerks and persons employed in his office, four thousand one hundred dollars : For the salary of the commissioner of the revenue, clerks and persons employed in that office, from the establishment thereof, to the thirty-first of December, one thousand seven hundred and ninety-two, including also contingent expenses to the same time, two thousand eight hundred and seventy-three dollars and forty-six cents : For the expense of stationary, printing and other contingent expenses in the office of the commissioner, three hundred dollars : To make good the deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the contingent expenses of the treasury-department, two thousand four hundred dollars : For the payment of rent for the several houses

Specific ap-
propriati-
ons for the
year 1793.

employed in the treasury department, one thousand four hundred and eighty-nine dollars and ninety-nine cents : For wood and candles in the several offices in the treasury department (except the treasurer's office) one thousand two hundred dollars : For compensations to the several loan officers, thirteen thousand, two hundred and fifty dollars : For defraying the expenses of stationary, and for hire of clerks in the offices of the several commissioners of loans, to the first of March, one thousand seven hundred and ninety-three, authorized by the act of the eighth of May, one thousand seven hundred and ninety two, thirty two thousand seven hundred and twenty-nine dollars, and ninety-five cents : to make good deficiencies in former appropriations, for similar expenses, one thousand six hundred and fifty dollars : For compensation to the secretary of state, clerks and other persons employed in his office, six thousand three hundred dollars : For defraying the expense of collecting the laws of the several states, publishing and distributing the laws of Congress, and all other expenses in the office of the Secretary of State, one thousand eight hundred and fifty-one dollars and sixty-seven cents : To make good a deficiency, in the appropriation of the year one thousand seven hundred and ninety-two, for the contingent expenses in this office, ninety-three dollars and thirty-four cents : For compensation to the commissioners for settlement of the accounts between the United States, and the individual states, clerks and persons employed in their office, six thousand six hundred and fifty dollars : For defraying the contingent expenses of the board of commissioners, four hundred and seven dollars : For compensa-

Specific ap-
propriati-
ons for the
year 1793.

tions to the governors, secretaries and judges of the territory north-west, and the territory south of the river Ohio, ten thousand three hundred dollars : For expenses of stationary, office-rent, printing patents for lands, and other contingent expenses in both the said territories, seven hundred dollars : For the payment of the pensions granted to invalids, eighty two thousand, two hundred and forty five dollars, and thirty two cents : For payment of the annual allowance granted by Congress to Baron Steuben, two thousand five hundred dollars : For payment of fundry pensions granted by the late government, two thousand seven hundred and sixty seven dollars, and seventy three cents : For the maintenance and repair of light-houses, beacons, piers, stakes and buoys, twenty thousand dollars : For the farther expense of building and equipping ten cutters, three thousand dollars : For the purchase of hydrometers, for the use of the officers of the customs and inspectors of the revenue, one thousand five hundred dollars : To make good the deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the purchase of hydrometers, six hundred and ten dollars, and ten cents : For the payment of such demands, not otherwise provided for, as shall have been duly allowed by the officers of the treasury, five thousand one hundred and sixty nine dollars : For compensation to the secretary of war, clerks and persons employed in his office, seven thousand and fifty dollars : For the encreased salary of the chief clerk in the war department, from the eighth of May, to the thirty-first of December, one thousand seven hundred and ninety two, one hundred and thirty dollars and forty one cents : For expen-

fes of firewood, stationary printing and other contingent expenses in the office of the secretary of war, six hundred dollars: For compensation to the accountant to the war-department and clerks in his office, four thousand two hundred dollars: For salary to the accountant, clerks, and for contingent expenses in that office, from the establishment thereof, to the thirty-first of December, one thousand seven hundred and ninety-two, one thousand one hundred and sixty five dollars and eighty nine cents: For contingent expenses in the office of the accountant to the war department, three hundred dollars: For payment of four years rent for the buildings occupied for offices of the secretary of war and accountant, one thousand six hundred and sixty-six dollars, and sixty-six cents: For salaries of the storekeepers at the several arsenals, rents for the buildings occupied as magazines, for payment of the laborers, coopers, armorers, and other persons employed in taking care of the ordnance, arms and military-stores, seven thousand eight hundred and thirty-five dollars and thirty two cents: For five hundred rifles, purchased in the year one thousand seven hundred and ninety two, six thousand dollars: For expense of repairing arms, equipments of cannon, cartridge-boxes, swords and every other article in the ordnance-department, ten thousand dollars: For defraying the expenses of the Indian department, fifty thousand dollars: For the pay of the troops authorized by law, three hundred and four thousand three hundred and eight dollars: For subsistence, three hundred and twelve thousand, five hundred and sixty seven dollars, and seventy-five cents: For forage, thirty four thousand eight

Specific ap-
 propriations for the
 year 1793.

hundred and fifty-six dollars: For clothing, one hundred and twelve thousand dollars: For equipments for cavalry, five thousand dollars: For horses for cavalry, five thousand dollars: For hospital department, twenty-five thousand dollars: For quarter-master's department, one hundred thousand dollars: For maps, hiring expresses, allowance to officers for extra-expenses, printing, loss of stores, advertizing, apprehending deserters, and every other contingent expense in the war-department, thirty thousand dollars: For the defensive protection of the frontiers, fifty thousand dollars: For the payment of bounties, fifteen thousand two hundred and forty dollars.

Out of
what funds
payable.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid and discharged out of the funds following, to wit :

First : The sum of six hundred thousand dollars reserved by the act making provision for the debt of the United States. Secondly, The surplus, which may remain unexpended, of the monies appropriated for the use of the war-department, in the year one thousand seven hundred and ninety-two: And, thirdly, The surplus of the existing revenues of the United States, to the end of the year one thousand seven hundred and ninety-three, except what may be otherwise appropriated, during the present session of Congress.

President
may bor-
row not
exceeding
800,000
dollars.

Sec. 3. *And be it further enacted*, That the President of the United States be authorized to borrow, on account of the said states, any sum or sums, not exceeding, in the whole, eight hundred thousand dollars, at a rate of interest not exceeding five per centum per an-

num, and reimbursable at the pleasure of the United States, to be applied for the purposes aforesaid, and to be repaid out of the said surplus of the duties on imports and tonnage, to the end of the present year, one thousand seven hundred and ninety-three: And that it shall be lawful for the bank of the United States to lend the said sum. And the President of the United States shall cause so much of the loan, made of the bank of the United States, pursuant to the eleventh section of the act, by which it is incorporated, to be paid off, in sums not less than fifty thousand dollars, as, in his opinion, the state of the treasury may, from time to time, admit, out of any monies, which may be in the treasury, having due regard to the exigencies of government, and the appropriations made and to be made by law.

On what
terms and
of whom.

Loan made
of the bank
how to be
paid off.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN ADAMS, *Vice-President of the United
States, and President of the Senate.*

APPROVED, February twenty-eighth, 1793:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XIX.

*An Act to regulate Trade and Intercourse with
the Indian Tribes.*

(REPEALED.)

CHAPTER XX.

An Act to ascertain the Fees in Admiralty proceedings in the District Courts of the United States, and for other Purposes.

SECT. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of May next, there shall not be taxed or adjudged to any officer or other person, any greater or other fee or reward, for, or in respect of any service to be done or performed in any of the district courts of the United States, in cases of admiralty or maritime jurisdiction, than such as is herein after specified ; that is to say :

Fees in courts of admiralty or maritime jurisdiction established.

Of the attorneys.

Fees of the Counsellor or Attorney in the district court in admiralty and maritime proceedings.

The stated fee for drawing and exhibiting libel, claim or answer in each cause, three dollars ;

Drawing interrogatories, three dollars ;

And all other services in any one cause, three dollars.

Fees of the clerks.

SEC. 2. *Fees of the clerk of the district court, in admiralty and maritime causes.*

For drawing every stipulation, process, motion or subpoena, for each sheet, containing ninety words, fifteen cents.

And for engrossing each sheet, ten cents ;

Entering the return of process, fifteen cents ;

Filing every libel, claim, pleading, or other paper, six cents ;

Copies of the pleadings, interrogatories, depositions and exhibits, when required, for each sheet of ninety words, ten cents ;

Entering each proclamation, fifteen cents ; Fees of the
clerks. .

Entering each default, twelve cents ;

Entering every rule of court, fifteen cents ;

Examining each witness, and drawing his deposition, for each sheet containing ninety words, fifteen cents ;

Certifying each exhibit or writing shewn to a witness, at his examination, twenty-five cents ;

Drawing every decree, or decretal order, for each sheet containing ninety words, fifteen cents ;

And for entering the same in the minutes, for each sheet, as aforesaid, ten cents ;

For drawing a record, or making a copy of the proceedings, for each sheet containing ninety words, fifteen cents ;

But no pleading, deposition, exhibit, or other writing, to be inserted therein verbatim, or in hæc verba, shall be imputed as any part of such draft.

Entering a record in the register, or engrossing or copying proceedings or records to be sealed or exemplified, for each sheet of ninety words, including all the pleadings, depositions, exhibits and writings inserted therein, ten cents ;

Every certificate, twenty cents ;

Entering return of appraisement or sales, for each sheet of ninety words, ten cents ;

Affixing the seal to any paper, when required, twenty-five cents ;

Drawing commission to examine witnesses, for each sheet containing ninety words, fifteen cents ;

And for engrossing the same, if on parchment, including the parchment, twenty cents ;

And if on paper, for each sheet of ninety words, ten cents ;

Swearing each witness in court, ten cents ;

For every entry or writing not mentioned or described, such allowance shall be taxed, as for similar services herein mentioned.

All money deposited in court, one and a quarter per cent.

Of the
marshals.

Sec. 3. *Fees of the marshal in the district court, in admiralty and maritime causes.*

For summoning every witness or appraiser, fifteen cents ;

Making each proclamation, fifteen cents ;

Serving every capias, attachment or summons, one dollar and fifty cents ;

Travelling each mile, going only, either to serve process, or subpoena witnesses, ten cents ;

Custody fees of a vessel, for each day, one dollar and fifty cents :

Sales, for any sum under five hundred dollars, two and an half per cent ; and for any larger sum, one and a quarter per cent, upon the excess.

Allowance
to attend-
ants on su-
preme, cir-
cuit or dis-
trict courts
how to be
ascertained.

Sec. 4. *And be it further enacted,* That there be allowed and taxed in the supreme, circuit and district courts of the United States, in favour of the parties obtaining judgments therein, such compensation for their travel and attendance, and for attornies and counsellors' fees, except in the district courts in cases of admiralty and maritime jurisdiction, as are allowed in the supreme or superior courts of the respective states.

Sec. 5. *And be it further enacted, That* ^{Limitation} *this act shall continue and be in force for the* ^{of this act.} *term of one year, and from thence until the end of the next session of Congress thereafter, and no longer.*

JONATHAN TRUMBULL, *Speaker*
of the House of Representatives.

JOHN ADAMS, *Vice-President of the United*
States, and President of the Senate.

APPROVED, March first, 1793 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXI.

An Act making an Appropriation to defray the Expense of a Treaty with the Indians North-West of the Ohio.

(EXPIRED.)

CHAPTER XXII.

An Act in addition to the Act, intituled, " An Act to establish the Judicial Courts of the United States."

SECT. I. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the attendance of only one of the justices of the supreme court, at the several circuit courts of the United States, to be hereafter held, ^{Attendance of one supreme judge at a circuit court deemed sufficient}

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except in
certain ca-
ses.

shall be sufficient, any law requiring the attendance of two of the said justices notwithstanding : *Provided*, That it shall be lawful for the supreme court, in cases where special circumstances shall, in their judgment, render the same necessary, to assign two of the said justices to attend the circuit court or courts, and it shall be the duty of the justices so assigned, to attend accordingly. *And provided also*, That when only one judge of the supreme court shall attend any circuit court, and the district judge shall be absent, or shall have been of counsel, or be concerned in interest in any cause, then pending, such circuit court may consist of the said judge of the supreme court alone.

Rule for
giving
judgment
in circuit
courts in
certain ca-
ses.

Sec. 2. *And be it further enacted*, That if at any time only one judge of the supreme court, and the judge of the district shall sit in a circuit court, and upon a final hearing of a cause, or of a plea to the jurisdiction of the court, they shall be divided in opinion, it shall be continued to the succeeding court ; and if upon the second hearing when a different judge of the supreme court shall be present, a like division shall take place, the district judge adhering to his former opinion, judgment shall be rendered in conformity to the opinion of the presiding judge.

Judges of
supreme
court may
direct spe-
cial sessions
of circuit
courts for
trial of cri-
minal cau-
ses :

Sec. 3. *And be it further enacted*, That the supreme court, or when the supreme court shall not be sitting, any one of the justices thereof, together with the judge of the district within which a special session, as hereafter authorized, shall be holden, may direct special sessions of the circuit courts to be holden for the trial of criminal causes, at any convenient

place within the district, nearer to the place where the offences may be said to be committed, than the place or places, appointed by law for the ordinary sessions: That the clerk of such circuit court shall, at least thirty days before the commencement of such special session, cause the time and place for holding the same, to be notified for at least three weeks successively, in one or more of the newspapers published nearest to the place where the session is to be holden: That all process, writs and recognizances of every kind, whether respecting juries, witnesses, bail or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto: That any special session may be adjourned to any time or times previous to the next stated meeting of the circuit court: That all business depending for trial at any special court, shall at the close thereof be considered as of course removed to the next stated term of the circuit court: And that the district courts of Maine and Kentucky, shall have like power to hold special sessions for the trial of criminal causes, as hath been heretofore given, or is hereby given to the circuit courts, subject to the like regulations and restrictions.

duty of
clerk in
such cases,

such sessions may be
adjourned.

Privileges
granted to
district
courts of
Maine and
Kentucky.

Sec. 4. *And be it further enacted*, That bail for appearance in any court of the United States, in any criminal cause in which bail is by law allowed, may be taken by any judge of the United States, any chancellor, judge of a supreme or superior court, or chief or first judge of a court of common pleas of any state, or mayor of a city in either of them, and by

Bail for appearance
by whom
taken.

any person having authority from a circuit court, or the district courts of Maine or Kentucky to take bail ; which authority, revocable at the discretion of such court, any circuit court or either of the district courts of Maine or Kentucky, may give to one or more discreet persons, learned in the law, in any district for which such court is holden, where, from the extent of the district, and remoteness of its parts from the usual residence of any of the before-named officers, such provision shall, in the opinion of the court, be necessary. *Provided*, That nothing herein shall be construed to extend to taking bail in any case where the punishment for the offence may be death ; nor to abridge any power heretofore given by the laws of the United States, to any description of persons to take bail.

And writs
of ne exeat
by whom
& when
granted.

Sec. 5. *And be it further enacted*, That writs of ne exeat and of injunction may be granted by any judge of the supreme court in cases where they might be granted by the supreme or a circuit court ; but no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same, that the defendant designs quickly to depart from the United States ; nor shall a writ of injunction be granted to stay proceedings in any court of a state ; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same.

Subpœnas
for witnesses
how far
to extend.

Sec. 6. *And be it further enacted*, That subpœnas for witnesses who may be required to attend a court of the United States in any district thereof, may run into any other district : *Provided*, That in civil causes, the wit-

nesses living out of the district in which the court is holden, do not live at a greater distance than one hundred miles from the place of holding the same.

Sec. 7. *And be it further enacted*, That it shall be lawful for the several courts of the United States, from time to time, as occasion may require, to make rules and orders for their respective courts, directing the returning of writs and processes, the filing of declarations and other pleadings, the taking of rules, the entering and making up judgments by default and other matters in the vacation and otherwise in a manner not repugnant to the laws of the United States to regulate the practice of the said courts respectively, as shall be fit and necessary for the advancement of justice and especially to that end to prevent delays in proceedings.

Courts to make rules for returning writs, &c.

Sec. 8. *And be it further enacted*, That where it is now required by the laws of any state, that goods taken in execution on a writ of fieri facias, shall be appraised, previous to the sale thereof, it shall be lawful for the appraisers appointed under the authority of the state, to appraise goods taken in execution, on a fieri facias issued out of any court of the United States, in the same manner as if such writ had issued out of a court held under the authority of the state ; and it shall be the duty of the marshal, in whose custody such goods may be, to summon the appraisers, in like manner, as the sheriff is by the laws of the state required to summon them : and the appraisers shall be entitled to the like fees, as in cases of appraisements under the laws of the state : and if the appraisers, being duly summoned, shall fail to attend and

Goods taken on writ of fieri facias how to be appraised.

perform the duties required of them, the marshal may proceed to sell such goods without an appraisement.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN LANGDON, *President pro
tempore of the Senate.*

APPROVED, March second, 1793 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXIII.

*An Act to alter the Times and Places of holding
the Circuit Courts, in the Eastern District,
and in North-Carolina, and for other Pur-
poses.*

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the spring circuit courts of the eastern district, instead of being held at the times and places now established by law for holding the same, shall from henceforth, be held at the times and places following respectively, namely ; for the district of New-York, at New-York, on the fifth day of April ; for the district of Connecticut, at New-Haven, on the twenty-fifth day of April ; for the district of Vermont, at Windsor and Bennington alternately, beginning at the first, on the twelfth day of May ; for the district of New-Hampshire, at Portsmouth, on the twenty-seventh day of May ; for the district of Massachusetts, at Boston, on the seventh day of June ; and for the district of Rhode-Island, at Newport,

Times for
holding
spring cir-
cuits of eas-
tern district
& N. Caro-
lina alter-
ed.

on the nineteenth day of June. And if any of the said days shall happen on a Sunday, the courts, respectively, shall commence and be holden on the day following. And all causes now pending in the said courts, and all appeals, processes and recognizances returned, or returnable to the same, and all officers, jurors, parties and witnesses, shall be conformable to this act.

Sec. 2. *And be it further enacted*, That from and after the expiration of the session of the circuit court of the state of North-Carolina, which is to commence on the first day of June next (which session shall be held, any thing in this act notwithstanding, at Newbern) the stated sessions of the said court shall be held at Wake court-house, either in the court-house belonging to the said county, or in some convenient building contiguous thereto, until there shall be convenient accommodations for the said purpose in the city of Raleigh, in the said state; after which, and upon its being made so to appear to the said court, the said court is hereby authorized and directed at the close of the session then depending, to adjourn the said court to meet at its next stated session in the city of Raleigh; which said city of Raleigh shall thereafter be the place at which the stated sessions of the said court shall be constantly held.

N. Carolina circuit court after June where to be held.

Sec. 3. *And be it further enacted*, Inasmuch as there was not a sufficient *quorum* of judges to hold the circuit court for the district of North-Carolina, for the purpose of doing business, at November term, one thousand seven hundred and ninety-two, that it shall and may be lawful for the district judge of the state of North-Carolina, to direct the clerk of the said

District judge of N. Carolina how to have jury-men summoned for said June term.

District
judge how
to have ju-
rymen sum-
moned in
N. Caroli-
na,

court to issue such process for the purpose of having jurymen summoned to attend the said court, at the term to commence on the first day of June next, as he had before issued for the like purpose, returnable to November term above mentioned; that the jurymen ordered by the said process to be summoned, shall be ordered to be summoned in the same proportion, and from the same counties, as those jurymen who were ordered to be summoned by the process returnable at November term above mentioned: And the marshal is to execute the said process, and the jurymen legally summoned in consequence thereof, are to attend the said court, under the like penalties for disobedience, as if the said process had been ordered to be issued as usual by the said court; and the marshal and the jurymen, who attend at the said court, shall be entitled to the like allowance for their services respectively. And it is hereby declared, that all suits and proceedings of what nature or kind soever, which have been commenced in the said court, and not finished, shall be proceeded on at the ensuing term, in the same manner and to the same effect, as if the said circuit court had been regularly held at November term as aforesaid, and continuances had been regularly held of all such suits and proceedings from the said last-mentioned term to the ensuing term.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN LANGDON, *President pro
tempore of the Senate.*

APPROVED, March second, 1793:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXIV.

An Act supplementary to the Act, intituled, “ An Act to provide more effectually for the Collection of the Duties imposed by Law on Goods, Wares, and Merchandize imported into the United States, and on the Tonnage of Ships or Vessels.”

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there shall be in the state of Georgia, a district, to be called the district of Hardwick, to comprehend all the waters, shores, bays, harbours, creeks, and rivers, between the south point of Ossabow island, and the south point of Warsaw Island; that in the said district the town of Hardwick shall be the only port of entry, and a collector for said district shall be appointed to reside at Hardwick, and the said collector shall be entitled to receive the like fees, and the same yearly allowance which is paid to the collector of the district of St. Mary's in the said state.

Hardwick
in Georgia
established
a district.

One port of
entry
therein &
a collector.

Sec. 2. *And be it further enacted,* That so much of Lake Champlain, with the shores, bays and rivers connected therewith as lieth within the state of New-York, shall be one entire district, to be called the district of Champlain; and the President of the United States, be, and hereby is authorized to appoint such place within said district to be the port of entry and delivery within the same as he may deem expedient; and a collector for the said district shall be appointed to reside at such place within said district as the President of the United States shall direct, who shall be allowed the same fees as are allowed the collector in the district of Vermont: *Pre-*

Champlain
in N. York
established
a district.

President
to appoint
port of
entry and
collector
therein.

vided nevertheless, That the exception contained in the sixty-ninth section of the act above-mentioned, relative to the district of Louisville, shall be, and hereby is extended to the district of Champlain.

Allowance
to collec-
tors of Ver-
mont &
Champlain
after June
next;

Sec. 3. *And be it further enacted*, That from and after the last day of June next, the collectors in the districts of Vermont and Champlain, in addition to the fees and emoluments which may accrue to them in the collection of the duties of impost and tonnage by the provisions already made, shall severally have and be entitled to receive the yearly sum of one hundred dollars each.

and to the
collectors
of Pennf.
N. York,
Boston,
Charlestown &
Baltimore.

Sec. 4. *And be it further enacted*, That from and after the last day of June next, the allowance of one half per centum to the collectors of the districts of Pennsylvania and of the city of New-York, and the allowance of one per centum to the collectors of the districts of Boston and Charlestown, and of Baltimore, on the amount of all the monies by them respectively received, on amount of the duties of impost and tonnage, shall cease, and instead thereof, from and after the said last day of June next, the collectors of the districts of Pennsylvania, and of the city of New-York, shall be entitled to three-eighths of one per centum, and the collectors of the districts of Boston and Charlestown, and of Baltimore, shall be entitled to three-fourths of one per centum, on all such monies by them respectively received.

Sec. 5. *And be it further enacted*, That from and after the first day of January next, no officer of the customs, or other person employed under the authority of the United States,

in the collection of the duties imposed by law on goods, wares and merchandize imported into the United States, and on the tonnage of ships or vessels, shall own, in whole or in part, any ship or vessel, or act as agent, attorney or consignee for the owner or owners of any ship or vessel, or of any cargo or lading on board the same: Nor shall any officer of the customs, or other person employed in the collection of the duties as aforesaid, import, or be concerned directly or indirectly in the importation of any goods, wares or merchandize into the United States, on penalty that every person so offending and being thereof convicted, shall forfeit the sum of five hundred dollars.

Forfeiture
on revenue
officers
owning any
ship or ves-
sel, &c. af-
ter 1st Jan.
1794.

Sec. 6. *And be it further enacted*, That so much of the twelfth section of an act, intituled, "An act making alterations in the treasury and war departments, as restricted all officers of the United States employed in the collection of the duties imposed by law on goods, wares and merchandize imported into the United States, and on the tonnage of ships or vessels, from buying or disposing of the funds or debts of the United States, or of any state, or of any public property of either, be and the same is hereby repealed; so far as the same prohibits them from disposing of their interest in the funds or debts of the United States, or of any of the said states.

And in sec.
of certain
act so far
as affects
the dispo-
sal of their
interest in
the funds
repealed.

Sec. 7. *And be it further enacted*, That the President of the United States may, if he shall judge it conducive to the public interest, increase the complement of mariners to the several revenue cutters, so that the number do not exceed seven mariners to each cutter; and that from and after the first day of April next,

President
may in-
crease ma-
riners to
the cutters.

Allowance
of pay to
the officers
& men af-
ter first
April.

there be allowed, in lieu of the compensations now established, to the master of each revenue cutter, forty dollars per month, and the subsistence of a captain in the army of the United States; to a first mate, twenty-six dollars per month; to a second mate, twenty dollars per month; to a third mate, eighteen dollars per month; to every mate, the subsistence of a lieutenant of the said army; and to each mariner, not exceeding ten dollars per month, to be paid by the collectors of the revenue, who shall be designated for that purpose: And that the Secretary of the Treasury be, and he is hereby authorized to contract for the supply of rations for the officers and men of the said cutters, on such terms, as shall, from time to time, appear reasonable.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN LANGDON, *President pro
tempore of the Senate.*

APPROVED, March second, 1793:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXV.

*An Act providing for the Payment of the First
Instalment due on a Loan made of the Bank
of the United States.*

BE it enacted by the Senate and House of
Representatives of the United States of
America, in Congress assembled, That the Pre-

fident of the United States be, and he hereby President
 is authorized and empowered to apply two may apply
 hundred thousand dollars, of the monies which certain
 may have been borrowed, in pursuance of the monies
 fourth section of the act, intituled, "An act to pay first
 making provision for the reduction of the pub- instalment
 lic debt," in payment of the first instalment, to Bank of
 due to the bank of the United States, upon a U. S.
 loan made of the said bank, in pursuance of
 the eleventh section of the act for incorpor-
 ating the subscribers to the said bank.

JONATHAN TRUMBULL, *Speaker*
of the House of Representatives.

JOHN LANGDON, *President pro*
tempore of the Senate.

APPROVED, March second, 1793:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXVI.

An Act for extending the Time for receiving on
Loan that Part of the Domestic Debt of the
United States, which may not be subscribed,
prior to the first Day of March, one thousand
seven hundred and ninety-three.

(EXPIRED.)

CHAPTER XXVII.

An Act supplementary to the Act for the Establishment and Support of Light-Houses, Beacons, Buoys and public Piers.

Sec. 1. **B**E it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all expenses, which shall accrue from the first day of July next inclusively, for the necessary support, maintenance and repairs of all light-houses, beacons, buoys, the stakeage of channels on the sea-coast, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-four, notwithstanding such light-houses, beacons, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not, in the mean time, be ceded to, or vested in the United States, by the state or states respectively, in which the same may be : and that the said time be further allowed to the states respectively, to make such cession.

Light-houses, &c. expenses accruing on them to be defrayed by U.S. till 1st. July 1794.

Secretary of Treasury to place beacons in the Chesapeake & N. Carolina.

Sec. 2. *And be it further enacted,* That the Secretary of the Treasury be authorized and directed to cause a floating beacon or buoy to be provided and placed on Smith's point shoal, in the Chesapeake bay, and a beacon or floating buoy at the south-west straddle on the Royal-shoal, near Ocracoke inlet, in North-Carolina.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

JOHN LANGDON, *President pro tempore of the Senate.*

APPROVED, March second, 1793 :

GEORGE WASHINGTON,

President of the United States.

CHAPTER XXVIII.

An Act providing an annual Allowance for the Education of Hugh Mercer.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the annual allowance to be made for the education of Hugh Mercer, son of the late general Mercer, pursuant to the resolution of the former Congress of the date of the eighth of April one thousand seven hundred and seventy-seven, shall be four hundred dollars from the time for which he has been last paid until his education shall be finished, or he shall arrive at the age of twenty-one years. And that the Comptroller of the Treasury be authorized to revise and settle the account of the said Hugh Mercer for his pension to the present time; the balance of which, as also the annual allowances aforesaid, as they shall become due, shall be paid to his guardian at the treasury.

Allowance
for education
of Hugh
Mercer.

Comptrol-
ler how to
settle his
account.

JONATHAN TRUMBULL, *Speaker
of the House of Representatives.*

JOHN LANGDON, *President pro
tempore of the Senate.*

APPROVED, March second, 1793:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXIX.

An Act for the Relief of Elijah Bostwick.

(PRIVATE.)

CHAPTER XXX.

An Act making certain Appropriations therein mentioned.

Appropriation of certain monies for defraying certain specific demands.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be appropriated to the purposes herein-after mentioned, to be paid out of any monies, which shall come into the treasury of the United States, to the end of the present year, (not proceeding from the duties on imports and tonnage) and not heretofore appropriated, and out of the surplus of any of the duties of impost and tonnage, which may accrue, during the present year, the sum of fifty-nine thousand one hundred and seven dollars, and forty-one cents :

For purchasing two lots of ground, with the buildings thereon, and for erecting other buildings, and purchasing fundry materials and necessaries for the use of the mint, twelve thousand and seventy-nine dollars, and seventy-eight cents : for the salaries of the officers of the mint, from the first day of July to the thirty-first day of December, one thousand seven hundred and ninety-two, two thousand six hundred and ninety-four dollars, and eighty-eight cents : for the salary of the following officers of the mint, for the year one thousand seven hundred and ninety-three ; the director, two thousand dollars ; the assayer, fifteen hundred dollars ; the chief coiner, fifteen hundred dollars ; the engraver, twelve hundred dollars ; the treasurer, twelve hundred dollars ; three clerks, five hundred dollars each, fifteen hundred dollars : for defraying the expenses of workmen, for the year

Appropriation for defraying certain specific demands.

one thousand seven hundred and ninety-three, a sum not exceeding two thousand six hundred dollars : for defraying the expenses of bringing to the seat of government, the votes of the electors in the several states, for President and Vice-President, a sum not exceeding one thousand four hundred and ninety-nine dollars : for discharging the claim of Return Jonathan Meigs, and the legal representatives of Christopher Greene, the sum of four hundred dollars : for the pay, subsistence and forage due to Winthrop Sargent, as adjutant general to the troops late under the command of general St. Clair, five hundred and sixty-nine dollars, and forty-five cents : for paying Dunlap and Claypoole, for printing performed under the direction of a committee of the convention of the United States, four hundred and twenty dollars : for defraying certain extra-expenses of the doorkeeper of the House of Representatives, and for clerk-hire, and allowance to witnesses attending the late committee appointed to inquire into the failure of the expedition under general St. Clair, four hundred dollars : for paying the principal clerk to the Secretary of the Senate, for his services, from the first of July to the fourth of November, one thousand seven hundred and ninety two, one hundred and twenty seven days, at three dollars per day, three hundred and eighty-one dollars : for paying the same clerk for his services, for six months, over and above his former allowance, five hundred and forty-seven dollars and fifty cents : for six months additional pay to the engrossing clerk, three hundred and sixty five dollars : for extra-services of the door-keeper, during the present session, ninety-one dollars and fifty cents :

Appropriations for defraying certain specific demands.

for defraying the expenſe attending the ſtating and printing the public accounts, in purſuance of the order of the Houſe of Representatives, of the thirtieth of December, one thouſand ſeven hundred and ninety-one, a ſum not exceeding eight hundred dollars : for paying the account of the truſtees of Wilmington public grammar-ſchool and academy, two thouſand five hundred and fifty-three dollars, and ſixty-four cents : to make good ſo much deficient in the appropriation of the year one thouſand ſeven hundred and ninety-one, for defraying the expenſes of light-houſes, beacons, buoys and public piers, a ſum not exceeding nine hundred and fifty-five dollars and ſixty-fix cents : for building a light-houſe on Montok point, a ſum not exceeding twenty thouſand dollars : for completing the light-houſe on Bald-head, at the mouth of Cape Fear river, two thouſand dollars : for the ſalaries of clerks, not exceeding three, to be employed in the office of the commissioner of the revenue, at the rate of five hundred dollars per annum, fifteen hundred dollars : for defraying the expenſe of books and printing, incident to the acts for recording the registering of ſhips or veſſels, and enrolling and licensing veſſels employed in the coaſting trade, three hundred and fifty dollars.

JONATHAN TRUMBULL, *Speaker
of the Houſe of Representatives.*

JOHN LANGDON, *President pro
tempore of the Senate.*

APPROVED, March ſecond, 1793 :

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXXI.

An Act making Addition to the Compensation of certain public Officers.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be allowed to the Auditor of the Treasury, the sum of five hundred dollars ; to the Commissioner of the Revenue, the sum of five hundred dollars ; to the Comptroller of the Treasury, the sum of two hundred and fifty dollars, and to the Register of the Treasury, the sum of two hundred and fifty dollars, per annum, in addition to the compensation already allowed to them respectively, to commence on the first day of April next, payable in like manner as the present compensations are payable.

Additional annual allowance to certain officers of the Treasury.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

JOHN LANGDON, *President pro tempore of the Senate.*

APPROVED, March second, 1793:

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXXII.

An Act for the Relief of Simeon Thayer.

(PRIVATE.)

THE
T R E A T I E S
MADE BY THE
UNITED STATES
O F
AMERICA,
WITH
Other Nations.

T R E A T Y
O F
A M I T Y A N D C O M M E R C E
C O N C L U D E D B E T W E E N
H i s M a j e s t y t h e K i n g o f S w e d e n
A N D T H E
U N I T E D S T A T E S O F N O R T H - A M E R I C A .

TRANSLATION OF THE
'TREATY of AMITY and COMMERCE,
*concluded between his Majesty the King of
Sweden and the United States of North-
America.*

THE King of Sweden, of the Goths and Vandals, &c. &c. &c. and the Thirteen United States of North-America; to wit: New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the counties of New-Castle, Kent and Suffex on Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, desiring to establish, in a stable and permanent manner, the rules which ought to be observed relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states and subjects; his Majesty and the United States have thought that they could not better accomplish that end, than by taking for a basis of their arrangements the mutual interest and advantage of both nations, thereby avoiding all those burthenfome preferences, which are usually sources of debate, embarrassment and discontent, and by leaving each party at liberty to make, respecting navigation and commerce, those interior regulations which shall be most convenient to itself.

With this view, his Majesty the King of Sweden has nominated and appointed for his plenipotentiary Count Gustavus Philip de Creutz, his ambassador extraordinary to his Most Christian Majesty, and knight commander of his orders; and the United States, on their part, have fully empowered Benja-

TRAITÉ D'AMITIÉ et de COMMERCE,
Conclu entre sa Majesté le Roi de Suede et les
Etats Unis de l'Amérique Septentrionale.

LE Roi de Suede, des Goths et des Vandales, &c. &c. &c. et les treize Etats Unis de l'Amérique Septentrionale, sçavoir, New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pensylvanie, les comtés de New-Castle, de Kent et de Suffex sur la Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale, et Georgie, desirant d'établir d'une manière stable et permanente les règles qui doivent être suivies relativement à la correspondance et au commerce que les deux parties ont jugé nécessaire de fixer entre leurs pays, états et sujets respectifs, sa Majesté et les Etats Unis ont cru ne pouvoir mieux remplir ce but qu'en posant pour base de leurs arrangemens, l'utilité et l'avantage réciproques des deux nations, en évitant toutes les préférences onéreuses qui sont ordinairement une source de discussions, d'embarras et de mécontentemens ; et en laissant à chaque partie la liberté de faire au sujet du commerce et de la navigation, les réglemens intérieurs qui seront à sa convenance.

Dans cette vuë sa Majesté le Roi de Suede a nommé et constitué pour son plénipotentiaire le Comte Gustave Philippe de Creutz, son ambassadeur extraordinaire près sa Majesté tres Chrétienne et Chevalier commandeur de ses ordres ; et les Etats Unis ont de leur côté pourvû de leurs pleinpouvoirs le Sieur Benja-

min Franklin, their minister plenipotentiary to his Most Christian Majesty: the said plenipotentiaries, after exchanging their full powers, and after mature deliberation in consequence thereof, have agreed upon, concluded and signed the following articles:

ARTICLE I.

Peace and
friendship
between
the two
nations.

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the King of Sweden, his heirs and successors, and the United States of America, and the subjects of his Majesty, and those of the said States; and between the countries, islands, cities, and towns situated under the jurisdiction of the King and of the said United States, without any exception of persons or places; and the conditions agreed to in this present treaty, shall be perpetual and permanent between the King, his heirs and successors, and the said United States.

ARTICLE II.

Neither
party to
grant fa-
vours to
other na-
tions that
shall not
become
common to
the other
party.

The King and the United States engage mutually, not to grant hereafter any particular favour to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

Subjects of
Sweden in-
titled to
the same
privileges
in U. S. as
the most fa-
voured na-
tion.

The subjects of the King of Sweden shall not pay in the ports, havens, roads, countries, islands, cities and towns of the United States, or in either of them, any other nor greater duties or imposts of what nature soever they may be, than those which the most favoured

min Franklin, leur ministre plénipotentiaire près sa Majesté très Chrétienne; les quels, plénipotentiaires après avoir échangé leurs pleinpouvoirs et en conséquence d'une mûre délibération ont arrêté, passé, et signé les articles suivans.

ARTICLE I.

Il y aura une paix ferme, inviolable et universelle et une amitié vraie et sincère entre le Roi de Suede, ses héritiers et successeurs, et entre les Etats Unis de l'Amérique, ainsi qu'entre les sujets de sa Majesté et ceux des dits Etats, comme aussi entre les pays, isles, villes et places, situées sous la juridiction du Roi, et des dits Etats Unis, sans exception aucune de personnes et de lieux; les conditions stipulées dans le présent traité devant être perpétuelles et permanentes entre le Roi, ses héritiers et successeurs et les dits Etats Unis.

ARTICLE II.

Le Roi et les Etats Unis s'engagent mutuellement à n'accorder par la suite aucune faveur particulière en fait de commerce et de navigation à d'autres nations, qui ne devienne aussitôt commune à l'autre partie; et celle-ci jouira de cette faveur gratuitement si la concession est gratuite; ou en accordant la même compensation si la concession est conditionnelle.

ARTICLE III.

Les sujets du Roi de Suede ne payeront dans les ports, havres, rades, contrées, isles, villes et places des Etats Unis, ou dans aucun d'iceux, d'autres ni de plus grands droits et impôts de quelque nature qu'ils puissent être, que ceux que les nations les plus favorisées

nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the United States, or in going to or from the same, from or to any part of the world whatever.

ARTICLE IV.

Citizens of U. S. intitled to the same privileges in Sweden as the most favoured nation.

The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities and towns under the dominion of the King of Sweden, any other or greater duties or imposts of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of his said Majesty, or in going to or from the same, from or to any part of the world whatever.

ARTICLE V.

Liberty of conscience, &c. secured.

There shall be granted a full, perfect and entire liberty of conscience to the inhabitants and subjects of each party, and no person shall be molested on account of his worship, provided he submits so far as regards the public demonstration of it to the laws of the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two con-

sont ou seront tenues de payer ; et ils jouiront de tous les droits, libertés, privilèges, immunités et exemptions en fait de négoce, navigation et de commerce dont jouissent ou jouiront les dites nations, soit en passant d'un port à l'autre des dits Etats, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit.

ARTICLE IV.

Les sujets et habitants des dits Etats Unis ne payeront dans les ports, havres, rades, îles, villes et places de la domination du Roi de Suede, d'autres ni de plus grands droits ou impôts, de quelque nature qu'ils puissent être et quelque nom qu'ils puissent avoir, que ceux que les nations les plus favorisées sont ou seront tenues de payer ; et ils jouiront de tous les droits, libertés, privilèges, immunités, et exemptions en fait de négoce, navigation et commerce dont jouissent ou jouiront les dites nations, soit en passant d'un port à un autre de la domination de sa dite Majesté, soit en y allant ou en revenant de quelque partie du monde ou pour quelque partie du monde que ce soit.

ARTICLE V.

Il sera accordé une pleine, parfaite et entière liberté de conscience aux habitants et sujets de chaque partie, et personne ne fera molesté à l'égard de son culte, moyennant qu'il se soumette, quant à la demonstration publique, aux loix du pays. De plus on permettra aux habitants et sujets de chaque partie, qui décèdent dans le territoire de l'autre partie, d'être enterrés dans les endroits convenables et décentes qui seront assignés à cet effet, et les deux puissances contractantes pourvoient chacune dans

contracting parties will provide each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the death, in case the delivery of them is required.

ARTICLE VI.

Citizens
may dis-
pose of
estate, may
inherit and
may re-
move their
effects.

The subjects of the contracting parties in the respective states, may freely dispose of their goods and effects either by testament, donation or otherwise, in favour of such persons as they think proper; and their heirs in whatever place they shall reside, shall receive the succession even *ab intestato*, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capitals and effects, which the subjects of the two parties, in changing their abode, shall be desirous of removing from the place of their abode, shall be exempted from all duty called "*droit de détraction*," on the part of the government of the two states respectively. But it is at the same time agreed, that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigour. The United States on their part, or any of them, shall be at liberty to make respecting this matter, such laws as they think proper.

ARTICLE VII.

Liberty for
either party
to trade
with a na-
tion at war
with the
other.

All and every the subjects and inhabitants of the kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels in all safety and freedom, and without any regard to those to whom the merchandizes and cargoes may belong, from any port whatever; and the subjects and in-

sa juridiction, à ce que les sujets, et habitans respectifs puissent obtenir les certificats de mort en cas qu'il soit requis de les livrer.

ARTICLE VI.

Les sujets des parties contractantes pourront dans les états respectifs disposer librement de leurs fonds et biens, soit par testament, donation ou autrement en faveur de telles personnes que bon leur semblera; et leurs héritiers dans quelque endroit où ils demeureront, pourront recevoir ces successions, même *ab intestato*, soit en personne, soit par un procureur, sans qu'ils aient besoin d'obtenir des lettres de naturalisation. Ces héritages, aussi bien que les capitaux et fonds que les sujets des deux parties, en changeant de demeure, voudront faire sortir de l'endroit de leur domicile, seront exempts de tout droit de détraction, de la part du gouvernement des deux états respectifs. Mais il est convenu en même tems, que le contenu de cet article ne dérogera en aucune manière aux ordonnances promulguées en Suede contre les émigrations, ou qui pourront par la suite être promulguées, les quelles demeureront dans toute leur force et vigueur. Les Etats Unis de leur côté, ou aucun d'entre eux, seront libres de statuer sur cette matière telle loi qu'ils jugeront à propos.

ARTICLE VII.

Il sera permis à tous et un chacun des sujets et habitans du Royaume de Suede, ainsi qu'à ceux des Etats Unis, de naviguer avec leurs bâtimens en toute sûreté et liberté, et sans distinction de ceux à qui les marchandises et leurs chargemens appartiendront, de quelque port que ce soit. Il sera permis également aux su-

habitants of the two states shall likewise be permitted to sail and trade with their vessels, and with the same liberty and safety to frequent the places, ports and havens of powers, enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different princes. And as it is acknowledged by this treaty, with respect to ships and merchandizes, that free ships shall make the merchandizes free, and that every thing which shall be on board of ships belonging to subjects of the one or the other of the contracting parties, shall be considered as free, even though the cargo or a part of it should belong to the enemies of one or both; it is nevertheless provided, that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed, that the same liberty be extended to persons who may be on board a free ship, with this effect, that although they be enemies to both or either of the parties, they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

Free ships
make free
goods; ex-
cept con-
traband ar-
ticles.

ARTICLE VIII.

This liberty
extends
to all kinds
of mer-
chandize,
except con-
traband.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, except those only which are expressed in the following article, and are distinguished by the name of contraband goods.

jets et habitans des deux Etats de naviguer et de négocier avec leurs vaisseaux et marchandises, et de frequenter avec la même liberté et sûreté, les places, ports et havres des puissances ennemies des deux parties contractantes; ou de l'une d'elles, sans être aucunement inquiétés ni troublés, et de faire le commerce non seulement directement des ports de l'ennemi à un port neutre, mais encore d'un port ennemi à un autre port ennemi ; soit qu'il se trouve sous la juridiction d'un même ou de différents princes. Et comme il est reçu par le présent traité par rapport aux navires et aux marchandises, que les vaisseaux libres rendront les marchandises libres, et que l'on regardera comme libre tout ce qui sera à bord des navires appartenants aux sujets d'une ou de l'autre des parties contractantes, quand même le chargement; ou partie d'icelui appartiendrait aux ennemis de l'une des deux ; bien entendu néanmoins que les marchandises de contrebande seront toujours exceptées ; les quelles étant interceptées, il sera procédé conformément à l'esprit des articles suivans. Il est également convenu que cette même liberté s'étendra aux personnes qui naviguent sur un vaisseau libre ; de maniere que quoi qu'elles soient ennemies des deux parties ou de l'une d'elles, elles ne seront point tirées du vaisseau libre, si ce n'est que ce fussent des gens de guerre actuellement au service des dits ennemis.

ARTICLE VIII.

Cette liberté de navigation et de commerce s'étendra à toutes sortes de marchandises, à la reserve seulement de celles qui sont exprimées dans l'article suivant et designées sous le nom de marchandises de contrebande.

ARTICLE IX.

What
goods shall
be deemed
contra-
band.

Under the name of contraband or prohibited goods, shall be comprehended arms, great guns, cannon balls, arquebuses, muskets, mortars, bombs, petards, granadoes, fauciffes, pitch balls, carriages for ordnance, musket rests, bandoleers, cannon powder, matches, salt-petre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirasses, halberds, javelins, pistols and their holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

ARTICLE X.

What
goods shall
not be
deemed
contra-
band.

These which follow shall not be reckoned in the number of prohibited goods ; that is to say : All sorts of cloths, and all other manufactures of wool, flax, silk, cotton or any other materials, all kinds of wearing apparel, together with the things of which they are commonly made, gold, silver coined or uncoined, brass, iron, lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse, tobacco, all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oil, wines, sugar, all sorts of salt and provisions which serve for the nourishment and sustenance of man, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloth, anchors, and any parts of anchors, ship-masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships ; nor shall any goods be considered as contraband, which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use : all which shall

ARTICLE IX.

On comprendra sous ce nom de marchandises de contrebande ou défendues, les armes, canons, boulets, arquebuses, mousquets, mortiers, bombes, petards, grenades, fauciffes, cercles poissés, affûts, fourchettes, bandoulières, poudre à canon, mèches, salpêtre, soufre, balles, piques, sabres, épées, morions, casques, cuirasses, halbardes, javelines, pistolets et leurs fourreaux, baudriers, bayonettes, chevaux avec leurs harnois, et tous autres semblables genres d'armes et d'instruments de guerre servant à l'usage des troupes.

ARTICLE X.

On ne mettra point au nombre des marchandises défendues celles qui suivent, sçavoir, toutes sortes de draps, et tous autres ouvrages de manufactures de laine, de lin, de soie, de coton et de toute autre matière, tout genre d'habillement avec les choses qui servent ordinairement à les faire ; Or, argent monnoyé ou non monnoyé, étain, fer, plomb, cuivre, laiton, charbon à fourneau, bled, orge, et toute autre sorte de grains et de légumes, la nicotiane, vulgairement appelée tabac, toutes sortes d'aromates, chairs salées et fumées, poissons salés, fromage et beurre, bière, huile, vins, sucres, toutes sortes de sels et de provisions servant à la nourriture et à la subsistance des hommes ; tous genres de coton, chanvre, lin, poix, tant liquide que sèche, cordages, cables, voiles, toiles, propres à faire des voiles, ancres et parties d'ancres, quelles qu'elles puissent être, mats de navire, planches, madriers, poutres et toute sorte d'arbres, et toutes autres choses nécessaires pour construire ou pour radoubler les vaisseaux. On ne regardera pas non plus comme marchandises de contrebande, celles qui n'auront pas pris la

be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article; so that they shall not by any pretended interpretation be comprehended among prohibited or contraband goods; on the contrary, they may be freely transported by the subjects of the King and of the United States, even to places belonging to an enemy, such places only excepted as are besieged, blocked or invested, and those places only shall be considered as such, which are nearly surrounded by one of the belligerent powers.

ARTICLE XI.

In case of war, ships and vessels to be furnished with sea-letters, and certificates.

In order to avoid and prevent on both sides all disputes and discord, it is agreed, that in case one of the parties shall be engaged in a war, the ships and vessels belonging to the subjects or inhabitants of the other shall be furnished with sea-letters or passports, expressing the name, property and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of a year. It is also agreed, that the said vessels when loaded shall be provided not only with sea-letters, but also with certificates containing a particular account of the cargo, the place from which the vessel sailed,

forme de quelque instrument ou attirail, servant à l'usage de la guerre sur terre ou sur mer; encore moins celles qui sont préparées ou travaillées pour tout autre usage. Toutes ces choses seront censées marchandises libres, de même que toutes celles qui ne sont point comprises et spécialement designées dans l'article précédent, de sorte qu'elles ne pourront sous aucune interprétation pretendue d'icelles, être comprises sous les effets prohibés, ou de contrebande ; au contraire elles pourront être librement transportées par les sujets du Roi et des États Unis, même dans les lieux ennemis, excepté seulement dans les places assiégées, bloquées ou investies; et pour telles, seront tenues uniquement les places entourées de près par quelqu'une des puissances belligérantes.

ARTICLE XI.

Afin d'écarter et de prévenir de part et d'autre toutes sortes de discussions et de discorde, il a été convenu que dans le cas où l'une des deux parties se trouveroit engagée dans une guerre, les vaisseaux et bâtimens appartenant aux sujets ou habitans de l'autre devront être munis de lettres de mer ou passeports, exprimant le nom, la propriété et le port du navire, ainsi que le nom et la demeure du maître ou commandant du dit vaisseau afin qu'il apparaisse par-là, que le dit vaisseau appartient réellement et véritablement aux sujets de l'une ou de l'autre partie. Ces passeports qui seront dressés et expédiés en due et bonne forme, devront également être renouvelés toutes les fois que le vaisseau revient chez lui dans le cours de l'an. Il est encore convenu que ces dits vaisseaux chargés devront être pourvus non seulement de lettres de mer, mais

and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandizes, mentioned in the 9th article of the present treaty ; which certificates shall be made out by the officers of the place from which the vessel shall depart.

ARTICLE XII.

Vessels if required shall exhibit their sea-letters, and certificates.

If no contraband goods, may pass.

Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the 7th article, they shall nevertheless be bound at all times when required, to exhibit as well on the high sea as in port, their passports and certificates above-mentioned. And not having contraband merchandize on board for an enemy's port, they may freely and without hindrance pursue their voyage to the place of their destination. Nevertheless, the exhibition of papers shall not be demanded of merchant-ships under the convoy of vessels of war, but credit shall be given to the word of the officer commanding the convoy.

ARTICLE XIII.

Mode of proceeding in case contraband goods are discovered.

If on producing the said certificates, it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships, nor to open any chest, coffers, packs, casks or vessels, nor to remove or displace the smallest part of the merchandizes, until the cargo has been landed in the presence of officers appointed for the purpose, and until an inventory thereof has been taken ; nor shall it be lawful to sell, exchange or alienate the cargo or any part

aussi de certificats contenant les détails de la cargaison, le lieu d'où le vaisseau est parti et celui de sa destination, afin que l'on puisse connoître s'ils ne portent aucune des marchandises défendues ou de contrebande spécifiées dans l'article 9 du présent traité, lesquels certificats seront également expédiés par les officiers du lieu d'où le vaisseau sortira.

ARTICLE XII.

Quoique les vaisseaux de l'une et de l'autre partie pourront naviguer librement et avec toute sûreté comme il est expliqué à l'article 7, ils seront néanmoins tenus toutes les fois qu'on l'exigera, d'exhiber tant en pleine mer que dans les ports, leurs passeports et certificats cy-dessus mentionnés. Et n'ayant pas chargé des marchandises de contrebande pour un port ennemi, ils pourront librement et sans empêchement poursuivre leur voyage vers le lieu de leur destination. Cependant on n'aura point le droit de demander l'exhibition des papiers aux navires marchands convoyés par des vaisseaux de guerre ; mais on ajoutera foi à la parole de l'officier commandant le convoi.

ARTICLE XIII.

Si en produisant les dits certificats il est découvert que le navire porte quelques uns de ces effets qui sont déclarés prohibés ou de contrebande, et qui sont consignés pour un port ennemi, il ne fera cependant pas permis de rompre les écoutilles des dits navires, ni d'ouvrir aucune caisse, coffre, malle, ballot et tonneau, ou d'en déplacer, ni d'en détourner la moindre partie des marchandises, jusqu'à ce que la cargaison ait été mise à terre en présence des officiers préposés à cet effet, et que l'inventaire en ait été fait. Encore ne sera-t-il pas permis de vendre, échanger ou ali-

thereof, until legal process shall have been had against the prohibited merchandizes, and sentence shall have passed declaring them liable to confiscation, saving nevertheless as well the ships themselves, as the other merchandizes which shall have been found therein, which by virtue of this present treaty are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandize, and much less confiscated as lawful prize. And in case the contraband merchandize be only a part of the cargo, and the master of the vessel agrees, consents and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandizes which are good prize, shall immediately let the vessel go, and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon examination she be found to be loaded only with merchandizes declared to be free, the owner or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

ARTICLE XIV.

Goods found in an enemy's ship liable to be confiscated unless put on board before declaration of war, or within six months after.

It is likewise agreed that whatever shall be found to be laden by the subjects of either of the two contracting parties, on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting nevertheless such goods and merchandizes as were put on board before the declaration of war, and even six months after the declara-

éner la cargaison ou quelque partie d'icelle, avant qu'on aura procédé légalement au sujet des marchandises prohibées et qu'elles auront été déclarées confiscables par sentence; à la réserve néanmoins, tant des navires même que des autres marchandises qui y auront été trouvées et qui en vertu du présent traité doivent être censées libres; lesquelles ne peuvent être retenues sous prétexte qu'elles ont été chargées avec des marchandises défendues, et encore moins être confisquées comme une prise légitime. Et supposé que les dites marchandises de contrebande, ne faisant qu'une partie de la charge, le patron du navire agréât, consentit et offrit de les livrer au vaisseau qui les aura découvertes; en ce cas, celui-cy, après avoir reçu les marchandises, de bonne prise, sera tenu de laisser aller aussitôt le bâtiment, et ne l'empêchera en aucune manière de poursuivre sa route vers le lieu de sa destination. Tout navire pris et amené dans un des ports des parties contractantes, sous prétexte de contrebande, qui se trouve par la visite faite n'être chargé que de marchandises déclarées libres, l'armateur ou celui qui aura fait la prise, sera tenu de payer tous les frais et dommages au patron du navire retenu injustement.

ARTICLE XIV.

On est également convenu que tout ce qui se trouvera chargé par les sujets d'une des deux parties dans un vaisseau appartenant aux ennemis de l'autre partie, sera confisqué en entier, quoique ces effets ne soient pas au nombre de ceux déclarés de contrebande, comme si ces effets appartennoient à l'ennemi même; à l'exception néanmoins des effets et marchandises qui auront été chargées sur des vaisseaux ennemis avant la déclaration de guerre, et

tion, after which term none shall be presumed to be ignorant of it, which merchandizes shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months, and could not be made sooner after the sale, which is to be public: provided nevertheless, that if the said merchandizes be contraband, it shall not be in any wise lawful to carry them afterwards to a port belonging to the enemy.

ARTICLE XV.

Vessels of war & privateers shall do no injury to either party, if they do, to be punished and make reparation.

And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men of war of the other party or by privateers, all captains and commanders of ships of his Swedish Majesty and of the United States, and all their subjects, shall be forbidden to do any injury or damage to those of the other party, and if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods.

ARTICLE XVI.

Every person fitting out a privateer, shall before he receive commission, give bond to answer all damages.

For this cause, every individual who is desirous of fitting out a privateer, shall before he receives letters patent, or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum to answer all damages and wrongs which the owner of the privateer, his officers

même fix mois après la déclaration, après lequel terme, l'on ne fera pas censé d'avoir pu l'ignorer ; les quelles marchandises ne seront en aucune manière sujettes à confiscation, mais seront rendues en nature fidèlement aux propriétaires qui les réclameront ou feront réclamer avant la confiscation et vente ; comme aussi leur provenu, si la réclamation ne pouvoit se faire que dans l'intervalle de huit mois après la vente, laquelle doit être publique ; bien entendu néanmoins, que si les dites marchandises sont de contrebande, il ne sera nullement permis de les transporter ensuite à aucun port appartenant aux ennemis.

ARTICLE XV.

Et afin de pourvoir plus efficacement à la sûreté des deux parties contractantes, pour qu'il ne leur soit fait aucun préjudice par les vaisseaux de guerre de l'autre partie ou par des armateurs particuliers, il sera fait défense à tous les capitaines et commandants de vaisseaux de sa Majesté Suedoise et des Etats Unis, et tous leurs sujets, de faire aucun dommage ou insulte à ceux de l'autre partie ; et au cas qu'ils y contreviennent, ayant été trouvés coupables, après l'examen fait par leurs propres juges, ils seront tenus de donner satisfaction de tout dommage et intérêt ; et de les bonifier sous peine et obligation de leurs personnes et biens.

ARTICLE XVI.

Pour cette cause chaque particulier, voulant armer en course sera obligé, avant que de recevoir les patentes ou ses commissions spéciales, de donner par devant un juge compétent, caution de personnes solvables, chacun solidairement pour une somme suffisante, afin de répondre de tous les dommages et torts que

or others in his employ may commit during the cruise, contrary to the tenor of this treaty, and contrary to the edicts published by either party, whether by the King of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters patent and special commission revoked and made void.

ARTICLE XVII.

Re-captur-
ed vessels in
certain
cases to be
restored.

One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant ship of the neutral power be taken by the enemy of the other party, and be afterwards retaken by a ship of war or privateer of the power at war, also ships and merchandizes of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of one of the two powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters and owners of ships, seamen, people of all sorts, ships and vessels, and in general all merchandizes and effects of one of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers or domains whatever, of the other ally, on account of any military expedition, or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take any thing by force, from the subjects of the other party, without the consent of the owner. This however is not to be understood to comprehend seizures, deten-

Vessels not
to be de-
tained.

l'armateur, ses officiers, ou autres étant à son service, pourroient faire en leurs courses, contre la teneur du présent traité et contre les édits faits de part et d'autre en vertu du même traité par le Roi de Suede et par les Etats Unis, même sous peine de révocation et cassation des dites patentes et commissions spéciales.

ARTICLE XVII.

Une des parties contractantes étant en guerre, et l'autre restant neutre, s'il arrivoit qu'un navire marchand de la puissance neutre fût pris par l'ennemi de l'autre partie, et repris ensuite par un vaisseau ou par un armateur de la puissance en guerre ; de même que les navires et marchandises de quelle nature qu'elles puissent être lors qu'elles auront été enlevées des mains de quelque pirate ou ecumeur de mer, elles seront emmenées dans quelque port de l'un des deux Etats, et seront remises à la garde des officiers du dit port, afin d'être rendûes en entier à leur véritable propriétaire, aussitôt qu'il aura produit des preuves suffisantes de la propriété. Les marchands, patrons et propriétaires des navires, matelots, gens de toute sorte, vaisseaux et bâtimens et en général aucunes marchandises ni aucuns effets de chacun des alliés ou de leurs sujets, ne pourront être assujétis à aucun embargo, ni retenus dans aucun des pays, territoires, isles, villes, places, ports, rivages ou domaines quelconques de l'autre allié, pour quelque expedition militaire, usage public ou particulier de qui que ce soit, par saisie, par force ou de quelque manière semblable. D'autant moins sera-t-il permis aux sujets de chacune des parties de prendre, ou enlever par force, quelque chose aux sujets de l'autre partie, sans le consente-

tions and arrests, made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

ARTICLE XVIII.

Regulations in case both nations should be at war with a common enemy.

If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides.

1st. If the ships of one of the two nations, re-taken by the privateers of the other, have not been in the power of the enemy more than twenty-four hours, they shall be restored to the original owner, on payment of one-third of the value of the ship and cargo. If on the contrary, the vessel retaken has been more than twenty-four hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2d. In case, during the interval of twenty-four hours, a vessel be retaken by a man of war of either of the two parties, it shall be restored to the original owner, on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part of it has been retaken after the twenty-four hours, which sums shall be distributed as a gratification among the crew of the men of war that shall have made the recapture.

3d. The prizes made in manner above-mentioned, shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

ment du propriétaire ; ce qui néanmoins, ne doit pas s'entendre des faïfies, detentions et arrêts qui se feront par ordre et autorité de la justice et selon les voyes ordinaires pour dettes ou delits, au sujet desquels il devra être procédé par voye de droit selon les formes de justice.

ARTICLE XVIII.

S'il arrivoit que les deux parties contractantes fussent en même tems en guerre contre un ennemi commun, on observera de part et d'autre les points suivans.

1. Si les bâtimens de l'une des deux nations repris par les armateurs de l'autre n'ont pas été au pouvoir de l'ennemi, au delà de vingt-quatre heures, ils seront restitués au premier propriétaire, moyennant le paiement du tiers de la valeur du bâtiment et de celle de la cargaison. Si au contraire le vaisseau repris a été plus de vingt-quatre heures au pouvoir de l'ennemi, il appartiendra en entier à celui qui l'aura repris.

2. Dans les cas que dans l'intervalle de vingt-quatre heures un navire est repris par un vaisseau de guerre de l'une des deux parties, il sera rendu au premier propriétaire, moyennant qu'il paye un trentieme de la valeur du navire et de sa cargaison, et le dixieme, s'il a été repris après les vingt-quatre heures, les quelles sommes feront distribuées en guise de gratification aux équipages des vaisseaux qui l'auront repris.

3. Les prises faites de la manière susdite seront restituées aux propriétaires, après les preuves faites de la propriété, en donnant caution pour la part qui en revient à celui qui a tiré le navire des mains de l'ennemi.

4th. The men of war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

5th. Moreover, the King of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men of war and privateers respectively shall be bound to observe, with regard to vessels which they shall take and carry into the ports of the two powers.

ARTICLE XIX.

Ships of war, & privateers, may bring prizes into ports of either party.

The ships of war of his Swedish Majesty and those of the United States, and also those which their subjects shall have armed for war, may with all freedom conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes upon entering the said ports shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes, which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to shew.

ARTICLE XX.

In case any vessel belonging to either of the two States, or to their subjects, shall be

4. Les vaisseaux de guerre et armateurs des deux nations seront reciproquement admis avec leurs prises, dans les ports respectifs de chacune, mais ces prises ne pourront y être déchargées ni vendues qu'après que la légitimité de la prise faite par des bâtimens Suedois aura été décidée selon les loix et réglemens établis en Suede ; tout comme celle des prises faites par des bâtimens Américains, fera jugée selon les loix et réglemens déterminés par les Etats Unis de l'Amerique.

5. Au surplus il fera libre au Roi de Suede, ainsi qu'aux Etats Unis de l'Amerique de faire tels réglemens qu'ils jugeront nécessaires relativement à la conduite que devront tenir leurs vaisseaux et armateurs respectifs, à l'égard des bâtimens qu'ils auront pris et conduits dans les ports des deux puissances.

ARTICLE XIX.

Les vaisseaux de guerre de sa Majesté Suedoise et ceux des Etats Unis, de même que ceux que leurs sujets auront armés en guerre, pourront, en toute liberté conduire les prises qu'ils auront faites sur leurs ennemis, dans les ports ouverts en tems de guerre aux autres nations amies, sans que ces prises, entrant dans les dits ports, puissent être arrêtées ou saisies, ni que les officiers des lieux puissent prendre conoissance de la validité de dites prises, les quelles pourront sortir et être conduites franchement et en toute liberté aux lieux portés par les commissions, dont les capitaines des dits vaisseaux seront obligés de faire montre.

ARTICLE XX.

Au cas que quelque vaisseau appartenant à l'un des deux états, ou à leurs sujets aura

In case of
shipwreck,
relief shall
be afforded,
and goods
restored.

stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandizes wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day, by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

ARTICLE XXI.

When vessels shall be forced by stress of weather, &c into ports, &c. they shall be protected, and permitted to depart.

When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equipped for war, or private or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads or ports of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection and assistance, and they shall be at liberty to supply themselves with refreshments, provisions and every thing necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided always that they pay a reasonable price: and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hindrance.

ARTICLE XXII.

In order to favour commerce on both sides as much as possible, it is agreed, that in case a war should break out between the said two

échoué, fait naufrage ou souffert quelque autre dommage sur les côtes ou sous la domination de l'une des deux parties, il sera donné toute aide et assistance aux personnes naufragées ou qui se trouvent en danger, et il leur sera accordé des passeports pour assurer leur retour dans leur patrie. Les navires et marchandises naufragées ou leur provenu, si ces effets eussent été vendûs, étant réclamés dans l'an et jour par les propriétaires, ou leur ayant cause, seront restitués, en payant les frais du sauvement, conformément aux loix et coutumes des deux nations.

ARTICLE XXI.

Lorsque les sujets et habitants de l'une des deux parties avec leurs vaisseaux soit publics, soit équipés en guerre, soit particuliers, ou employés au commerce, seront forcés, par une tempête, par la poursuite des corsaires et des ennemis, ou par quelque autre nécessité urgente, de se retirer et d'entrer dans quelque une des rivières, bayes, rades ou ports de l'une des deux parties, ils seront reçus et traités avec humanité et honnêteté, et jouiront de toute amitié, protection et assistance, et il leur sera permis de se pourvoir de rafraichissemens, de vivres et de toutes choses nécessaires pour leur subsistance, pour la réparation de leurs vaisseaux et pour continuer leur voyage, le tout moyennant un prix raisonnable, et ils ne seront retenus en aucune manière, ni empêchés de sortir des dits ports ou rades, mais pourront se retirer et partir quand, et comme il leur plaira, sans aucun obstacle ni empêchement.

ARTICLE XXII.

Afin de favoriser d'autant plus le commerce des deux côtés, il est convenu que dans le cas où la guerre surviendrait entre les deux na-

In case of war, nine months shall be allowed to citizens to sell, and transport their effects.

nations, which God forbid, the term of nine months after the declaration of war, shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle ; nor shall any seize their effects, and much less their persons, during the said nine months ; but on the contrary, passports which shall be valid for a time necessary for their return, shall be given them for their vessels, and the effects which they shall be willing to carry with them. And if any thing is taken from them, or if any injury is done to them by one of the parties, their people and subjects, during the term above prescribed, full and entire satisfaction shall be made to them on that account. The above-mentioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects.

ARTICLE XXIII.

Citizens of neither party shall take commissions, or letters of marque from any prince, or state, with whom the other is at war.

No subject of the King of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects, people or inhabitants of the said United States, or any of them, or against the property of the inhabitants of the said States, from any prince or state whatever, with whom the said United States shall be at war. Nor shall any citizen, subject or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any vessel to cruize against the subjects of his Swedish Majesty, or any of them, or their property, from any prince or

tions fufdites, ce qu'à Dieu ne plaife, il fera accordé un tems de neuf mois après la déclaration de guerre, aux marchands et fujets reſpectifs de part et d'autre, pour pouvoir ſe retirer avec leurs effets et meubles, leſquels ils pourront transporter, ou faire vendre, où ils voudront, ſans qu'on y mette le moindre obſtacle, ni qu'on puiſſe arrêter les effets, et encore moins les perſonnes pendant les dits neuf mois ; mais qu'au contraire on leur donnera, pour leurs vaiſſeaux et effets qu'ils voudront prendre avec eux, des paſſeports valables pour le tems qui ſera néceſſaire pour leur retour ; mais ſ'il leur eſt enlevé quelque choſe, ou ſ'il leur a été fait quelque injure, durant le terme preſcrit cy-deſſus, par l'une des parties, leurs peuples et fujets, il leur ſera donné à cet égard pleine et entière ſatisfaction. Ces paſſeports ſuſmentionnés ſerviront également de fauſconduits contre toutes injures ou priſes que les armateurs pourront intenter de faire contre leurs perſonnes et leurs effets.

ARTICLE XXIII.

Aucun fujet du Roi de Suede ne prendra de commiſſion ou lettre de marque pour armer quelque vaiſſeau, afin d'agir comme corſaire contre les Etats Unis de l'Amerique ou quelques uns d'entre eux, ou contre les fujets, peuples, ou habitans d'iceux, ou contre la propriété des habitans de ces Etats, de quelque prince ou état que ce ſoit, avec lequel ces dits Etats Unis ſeront en guerre. De même, aucun citoyen, fujet ou habitant des dits Etats Unis, et de quelqu'un d'entre eux, ne demandera ni n'acceptera aucune commiſſion ou lettre de marque, afin d'armer quelque vaiſſeau pour courre ſus aux fujets de ſa Majeſté Suedeſe ou quelqu'un d'entre eux ou leur pro-

state whatever with whom His said Majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XXIV.

Ships and vessels coming on the coasts, or entering the ports of either party, how to be treated.

The vessels of the subjects of either of the parties coming upon any of the coasts belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

ARTICLE XXV.

How ships are to be treated when met by ships of war, or privateers.

When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder, shall remain out of cannon shot, but may always send their boat to the merchant ship, and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel; and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage, and it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

ARTICLE XXVI.

Consuls, &c. to be allowed in the ports of each nation.

The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries, whose functions shall be regulated by a particular agreement.

priété, de quelque prince ou état que ce soit avec qui sa dite Majesté se trouvera en guerre. Et si quelqu'un de l'une ou de l'autre nation prenoit de pareilles commissions ou lettres de marque, il sera puni comme pirate..

ARTICLE XXIV.

Les vaisseaux des sujets ou habitans d'une des deux parties, abordant à quelque côte de la dépendance de l'autre, mais n'ayant point dessein d'entrer au port, ou y étant entré, ne desirant pas de décharger leur cargaison ou rompre leur charge, n'y seront point obligés, mais au contraire jouiront de toutes les franchises et exemptions accordées par les réglemens qui subsistent relativement à cet objet.

ARTICLE XXV.

Lorsqu'un vaisseau appartenant aux sujets et habitans de l'une des deux parties, naviguant en pleine mer, sera rencontré par un vaisseau de guerre ou armateur, de l'autre, le dit vaisseau de guerre ou armateur, pour éviter tout désordre, se tiendra hors de la portée du canon, mais pourra toutes fois envoyer sa chaloupe à bord du navire marchand et y faire entrer deux ou trois hommes, auxquels le maître ou commandant du dit navire, montrera son passeport, qui constate la propriété du navire ; et après que le dit bâtiment aura exhibé le passeport, il lui sera libre de continuer son voyage ; et il ne sera pas permis de le molester ni de chercher en aucune manière à lui donner la chasse ou à le forcer de quitter la course qu'il s'étoit proposé.

ARTICLE XXVI.

Les deux parties contractantes se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs des consuls, vice-consuls, agents et commissaires, dont les fonctions seront réglées par une convention particulière.

ARTICLE XXVII.

Ratifica-
tion.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

In faith whereof, the respective Plenipotentiaries have signed the above articles, and have thereunto affixed their seals.

Done at Paris the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

GUSTAV PHILIP *Comte de Creutz.* (L. s.)

*Separate Article.*Time of
duration.

The King of Sweden and the United States of North-America, agree that the present treaty shall have its full effect for the space of fifteen years, counting from the day of the ratification, and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Done at Paris, the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

GUSTAV PHILIP *Comte de Creutz.* (L. s.)

Separate Articles.

ARTICLE I.

His Swedish Majesty shall use all the means in his power to protect and defend the vessels

ARTICLE XXVII.

Le présent traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de huit mois, ou plutôt, si faire se peut, à compter du jour de la signature.

En foi de quoi les Plénipotentiaires respectifs ont signé les articles cy-dessus et y ont apposé le cachet de leurs armes.

FAIT à Paris le trois Avril, l'an de Grâce mil sept cent quatre-vingt-trois.

GUSTAV PHILIP Comte de Creutz. (L. S.)

BENJAMIN FRANKLIN. (L. S.)

Article Séparé.

Le Roi de Suede et les Etats Unis de l'Amérique Septentrionale sont convenus que le présent traité aura son plein effet pendant l'espace de quinze ans consécutifs, à compter du jour de sa ratification ; et les deux parties contractantes se réservent la faculté de le renouveler au bout de ce tems.

FAIT à Paris le trois Avril, l'an de Grâce mil sept cent quatre-vingt-trois.

GUSTAV PHILIP Comte de Creutz. (L. S.)

BENJAMIN FRANKLIN. (L. S.)

Articles Séparés.

ARTICLE I.

Sa Majesté Suedoise fera usage de tous les moyens qui sont dans son pouvoir pour proté-

King of
Sweden to
protect ves-
sels, and
effects of
citizens of
United
States.

and effects belonging to citizens or inhabitants of the United States of North America, and every of them, which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities and towns of His said Majesty, and shall use his utmost endeavours to recover and restore to the right owners, all such vessels and effects which shall be taken from them within his jurisdiction.

ARTICLE II.

United
States to
protect
vessels, and
effects of
subjects of
Sweden.

In like manner, the United States of North America shall protect and defend the vessels and effects belonging to the subjects of His Swedish Majesty, which shall be in the ports, havens, or roads, or on the seas near to the countries, islands, cities and towns of the said States, and shall use their utmost efforts to recover and restore to the right owners, all such vessels and effects which shall be taken from them within their jurisdiction.

ARTICLE III.

in case of
war at sea,
ships of war
to protect,
and assist
vessels of
each na-
tion.

If in any future war at sea, the contracting powers resolve to remain neuter, and as such, to observe the strictest neutrality, then it is agreed, that if the merchant-ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case the commander of the ships of war of the other party, if required, shall in good faith and sincerity give them all necessary assistance; and in such case, the ships of war and frigates of either of the powers shall protect and support the merchant-ships of the other; provided nevertheless, that the ships claiming assistance are not

ger et défendre les vaisseaux et effets, appartenans aux citoyens ou habitans des Etats Unis de l'Amérique Septentrionale et à chacun d'eux, qui seront dans les ports, havres ou rades ou dans les mers près des pais, isles, contrées, villes et places de sa dite Majesté, et fera tous ses efforts pour recouvrer et faire restituer aux propriétaires légitimes tous les vaisseaux et effets qui leur seront pris dans l'étendue de sa juridiction.

ARTICLE II.

De même les Etats Unis de l'Amérique Septentrionale protégeront et défendront les vaisseaux et effets, appartenans aux sujets de sa Majesté Suedoise qui seront dans les ports, havres ou rades, ou dans les mers près des pais, isles, contrées, villes et places des dits Etats, et feront tous leurs efforts pour recouvrer et faire restituer aux propriétaires légitimes, tous les vaisseaux et effets qui leur seront pris dans l'étendue de leur juridiction.

ARTICLE III.

Si durant une guerre maritime à venir, les deux puissances contractantes prennent le parti de rester neutres et d'observer, comme telles, la plus exacte neutralité, alors on est convenu que s'il arrivoit que les vaisseaux marchands de l'un des puissances, se trouvaient dans un parage où les vaisseaux de guerre de la même nation ne fussent pas stationnés, ou bien s'ils se rencontrent en pleine mer sans pouvoir avoir recours à leurs propres convois, dans ce cas le commandant des vaisseaux de guerre de l'autre puissance, s'il en est requis, doit de bonne foi et sincèrement leur prêter les secours dont ils pourront avoir besoin, et en tel cas les vaisseaux de guerre et frégates de l'une des puissances serviront de soutien et d'appui aux vais-

engaged in any illicit commerce contrary to the principles of the neutrality.

ARTICLE IV.

Regulations to transact business by citizens of one party in the dominions of the other.

It is agreed and concluded that all merchants, captains of merchant-ships or other subjects of His Swedish Majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America, to manage their own affairs, and to employ in the management of them, whomsoever they please ; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ labourers appointed by public authority for that purpose ; but they shall be at full liberty, themselves, to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper ; without paying reward under the title of salary to any other person whatever ; and they shall not be obliged to turn over any kind of merchandizes to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please ; and all and every of the citizens, people and inhabitants of the United States of America shall reciprocally have and enjoy the same privileges and liberties in all places, under the jurisdiction of the said realm.

ARTICLE V.

It is agreed that when merchandizes shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination ; but all ex-

seaux marchands de l'autre: bien entendu cependant, que les réclamans n'auroient fait aucun commerce illicite ni contraire aux principes de la neutralité.

ARTICLE IV.

Il est convenu et arrêté que tous les marchands, capitaines des navires marchands ou autres sujets de sa Majesté Suedoise, auront l'entière liberté dans toutes les places de la domination ou juridiction des Etats Unis de l'Amérique, de conduire eux-mêmes leurs propres affaires, et d'employer qui il leur plaira pour les conduire, et qu'ils ne feront point obligés de se servir d'aucun interprète ou courtier, ni leur payer aucun honoraire à moins qu'ils ne s'en fervent. En outre, les maîtres des navires ne feront point obligés, chargeant ou déchargeant leurs navires, de se servir des ouvriers qui peuvent être établis pour cet effet par l'autorité publique; mais ils seront entièrement libres de charger ou décharger eux-mêmes leurs vaisseaux et d'employer pour charger ou décharger ceux qu'ils croiront propres pour cet effet, sans payer aucuns honoraires à titre de salaire à aucune autre personne que ce soit, et ils ne pourront être forcés de verser aucune espèce de marchandises dans d'autres vaisseaux ou de les recevoir à leur bord, et d'attendre pour être chargés, plus long-tems qu'il ne leur plaira; et tous et un chacun des citoyens, peuples et habitans des Etats Unis de l'Amérique auront et jouiront réciproquement des mêmes privilèges et libertés dans toutes les places de la juridiction du dit royaume.

ARTICLE V.

Il est convenu que lorsque les marchandises auront été chargées sur les vaisseaux ou bâtimens de l'une des deux parties contractantes,

No vessels
to be
searched
unless in
case of
fraud. Re-
gulations in
such case.

amination and search must be before lading, and the prohibited merchandizes must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship, or of him who has the command of her; in which case, only he shall be responsible and subject to the laws of the country in which he may be. In all other cases, neither the subjects of either of the contracting parties, who shall be with their vessels in the ports of the other, nor their merchandizes, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects or citizens of the state whose merchandizes are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandize, being liable to punishment for such contravention.

*Done at Paris, the third day of April, in the
Year of our Lord one thousand seven hun-
dred and eighty-three.*

GUSTAV PHILIP *Comte de Creutz.* (L. S.)
BENJAMIN FRANKLIN. (L. S.)

elles ne pourront plus être assujetties à aucune visite ; toute visite et recherche devant être faite avant le chargement, et les marchandises prohibées devant être arrêtées sur la plage avant de pouvoir être embarquées, à moins qu'on ait des indices manifestes ou des preuves de versement frauduleux de la part du propriétaire du navire ou de celui qui en a le commandement. Dans ce cas seul, il en sera responsable et soumis aux loix du país où il se trouve. Dans aucun autre cas, ni les sujets d'une des parties contractantes, qui se trouveront avec leurs navires dans les ports de l'autre, ni leurs marchandises, ne pourront être arrêtés ou molestés pour cause de contrebande, qu'ils auront voulu prendre à leur bord, ni aucune espèce d'embargo ne sera mise sur leurs navires ; les sujets ou citoyens de l'état où les marchandises sont déclarées de contrebande, dont la sortie est défendue, et qui néanmoins auront vendu ou voulu vendre et aliéner les dites marchandises, devant être les seuls qui seront dûment punis pour une pareille contravention.

*FAIT à Paris le trois Avril, l'an de Grâce
mil sept cent quatre-vingt-trois.*

GUSTAV PHILIP *Comte de Creutz.* (L. S.)
BENJAMIN FRANKLIN. (L. S.)

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ARMISTICE

DECLARING

A Cessation of Hostilities

BETWEEN THE

UNITED STATES

AND

GREAT-BRITAIN.

VOL. II.

2

A R M I S T I C E
DECLARING
A CESSATION OF HOSTILITIES
BETWEEN THE
UNITED STATES
AND
G R E A T - B R I T A I N .

T R A N S L A T I O N .

WE, the undersigned Ministers Plenipotentiary of the United States of North-America, having received from Mr. Fitz Herbert, Minister Plenipotentiary of his Britannic Majesty, a declaration, relative to a suspension of arms, to be established between his said Majesty and the said States, the tenor whereof is as follows :

“ **W**HEREAS the preliminary articles agreed upon and signed this day, between his Majesty the King of Great-Britain and his Majesty the most Christian King on the one part, and likewise between his said Britannic Majesty and his Catholic Majesty on the other part, contain the stipulation of a cessation of hostilities between those three powers, which is to take place after the exchange of the ratifications of the said preliminary articles : AND WHEREAS, by the provisional treaty signed on the thirtieth day of November last, between his Britannic Majesty and the United States of North-America, it hath been stipu-

A R M I S T I C E
DECLARANT
UNE SUSPENSION D'ARMES
ENTRE
LES ETATS UNIS
ET
LA GRANDE BRETAGNE.

NOUS soussignés Ministres Plénipotentiaires des Etats-Unis de l'Amerique Septentrionale, ayant reçu de la part de M. Fitzherbert, Ministre Plénipotentiaire de sa Majesté Britannique, une déclaration relative à une suspension d'armes à établir entre la dite Majesté et les dits Etats, dont la teneur s'en suit :

“ **C**OMME les articles preliminaires arrêtés et signés aujourd'hui entre sa Majesté le Roi de la Grande Bretagne et sa Majesté le Roi Très Chrétien d'une part, et aussi entre la dite Majesté Britannique et sa Majesté Catholique d'autre part, renferment la stipulation de la cessation des hostilités entre ces trois Puissances ; laquelle doit commencer après l'échange des ratifications des dits articles preliminaires : et comme par le traité provisionnel signé le 30 Novembre dernier entre sa Majesté Britannique et les Etats-Unis de l'Amerique Septentrionale, il a été stipulé, que ce traité fortiroit son effet aussitôt que la paix en-

lated that, that treaty should take effect as soon as peace should be established between the said crowns: The undersigned Minister Plenipotentiary of his Britannic Majesty, does declare, in the name and by the express order of the King, his master, that the said United States of North-America, their subjects and their possessions, shall be comprehended in the above-mentioned suspension of arms, and that, in consequence, they shall enjoy the benefit of the cessation of hostilities, at the same epochs, and in the same manner as the three crowns above-mentioned, their subjects, and their respective possessions; the whole upon condition, that on the part and in the name of the said United States of North-America, a similar declaration shall be delivered expressly, declaring their assent to the present suspension of arms, and containing the assurance of the most perfect reciprocity on their part.

IN FAITH WHEREOF, we, the Minister Plenipotentiary of his Britannic Majesty, have signed the present declaration, and have caused the seal of our arms to be thereto affixed.

Versailles, 20th January, 1783.

(Signed)

(L. S.) ALLEYNE FITZ HERBERT."

HAVE, in the name of the said United States of North-America, and by virtue of the powers with which they have vested us, accepted the above declaration, do by these presents merely and simply accept it, and do reciprocally declare that the said States shall cause all hostilities to cease against his Britan-

tre les dites couronnes seroit retablie; le sousigné Ministre Plénipotentiaire de sa Majesté Britannique, declare au nom, et par ordre exprès du Roi son maître, que les dits Etats-Unis de l'Amérique Septentrionale, leurs sujets, et leurs possessions, seront compris dans la suspension d'armes susmentionnée, et qu'ils jouiront en consequence du benefice de la cessation des hostilités aux mêmes époques, et de la même maniere que les trois couronnes susdites, leurs sujets et leurs possessions respectives; le tout à condition, que de la part et au nom des dits Etats-Unis de l'Amérique Septentrionale, il soit delivré une déclaration semblable qui constate leur assentiment à la présente suspension d'armes et renferme l'assurance de la plus parfaite reciprocité de leur part,

EN FOI DE QUOI, nous Ministre Plénipotentiaire de sa Majesté Britannique, avons signé la présente déclaration et y avons fait apposer le cachet de nos armes.

A Versailles le 20, Jan. 1783.

(L. s.) (Signé) ALLEYNE FITZ HERBERT."

AVONS au nom des dits Etats-Unis de l'Amérique Septentrionale et en vertu des pouvoirs dont ils nous ont munis, accepté la déclaration ci-dessus, l'acceptons par ces présentes purement et simplement et déclarons reciproquement que les dits Etats feront cesser toutes hostilités contre sa Majesté Britannique,

nic Majesty, his subjects and his possessions, at the terms and epochs agreed upon between his said Majesty the King of Great-Britain, his Majesty the King of France, and his Majesty the King of Spain, so, and in the same manner, as has been agreed between those three crowns, and to produce the same effects.

IN FAITH WHEREOF, we, the Ministers Plenipotentiary of the United States of North-America, have signed the present declaration, and have affixed thereto the seal of our arms.

Versailles, the 20th of January, one thousand seven hundred and eighty-three.

(Signed)	JOHN ADAMS,	(L. S.)
	B. FRANKLIN,	(L. S.)

Copy of the first and twenty-second of the Preliminary Articles, between France and Great-Britain, signed at Versailles the twentieth January, 1783.

TRANSLATION.

ART. I. As soon as the preliminaries shall be signed and ratified, sincere friendship shall be re-established between his most Christian Majesty and his Britannic Majesty, their kingdoms, states, and subjects by sea and by land, in all parts of the world; orders shall be sent to the armies and squadrons, as well as to the subjects of the two powers, to cease all hostilities, and to live in the most perfect union, forgetting the past, according to the order and example of their sovereigns; and for the execution of this article, sea-passes shall be given on each side to the ships which shall be dispatched to carry the news to the possessions of the said powers.

les fujets et les poffeffions, aux termes et aux époques convenus entre fa dite Majesté le Roi de la Grande Bretagne, fa Majesté le Roi de France et fa Majesté le Roi d'Espagne, ainfi, et de la même maniere qu'il a été convenu entre ces trois couronnes, et pour produire le même effet.

EN FOI DE QUOI nous Ministres Plénipotentiaires des Etats-Unis de l'Amerique Septentrionale avons signé la présente déclaration et y avons apposé les cachets de nos armes.

A Versailles le vingt Janvier, mil sept cent quatre-vingt trois.

JOHN ADAMS,	(L. S.)
B. FRANKLIN,	(L. S.)

Copie du premier et du vingt deuxieme des articles preliminaires entre la France et la Grande Bretagne, signés à Versailles le 20 Janvier, 1783.

ART. I. Aussitôt que les preliminaires seront signés et ratifiés, l'amitié sincere sera retablee entre sa Majesté Très Chretienne et sa Majesté Britannique, leurs Royaumes, Etats et Sujets par mer et par terre, dans toutes les parties du monde; il sera envoyé des ordres aux armées, et escadres, ainfi qu'aux fujets des deux Puiffances de cesser toute hostilité, et de vivre dans la plus parfaite union en oubliant le passé, dont leurs souverains leur donnent l'ordre et l'exemple; et pour l'exécution de cet article, il sera donné, de part et d'autre des passeports de mer aux vaisseaux qui seront expédiés pour en porter la nouvelle dans les poffeffions des dites puiffances.

ART. 22. To prevent all the causes of complaint and dispute which might arise on account of the prizes which may be taken at sea after the signing of these preliminary articles, it is reciprocally agreed, that the vessels and effects which may be taken in the Channel and in the North Seas, after the space of twelve days, to be computed from the ratification of the present preliminary articles, shall be restored on each side. That the term shall be of one month from the Channel and the North Seas to the Canary Islands inclusively, whether in the Ocean or in the Mediterranean; of two months from the said Canary Islands to the Equinoxial Line or Equator; and lastly, of five months in all other parts of the world, without any exception, nor other more particular distinction of times and places.

ART. 22. Pour prevenir tous les fujets de plaintes et de contestation qui pourroient naitre à l'occasion des prises qui pourroient être faites en mer depuis la signature de ces articles préliminaires, on est convenu reciproquement que les vaisseaux et effets qui pourroient être pris dans la Manche et dans les Mers du Nord, après l'espace de douze jours à compter depuis la ratification des présens articles préliminaires, seront de part et d'autre restitués ; Que le terme sera d'un mois depuis la Manche et les Mers du Nord, jusqu'aux Isles Canaries inclusivement, soit dans l'océan, soit dans la Méditerranée ; de deux mois depuis les dites Isles Canaries, jusqu'à la ligne Equinoxiale ou l'Equateur ; et enfin de cinq mois dans tous les autres endroits du monde, sans aucune exception ni autre distinction plus particuliere de tems et de lieux.



Articles of a Treaty
BETWEEN THE
UNITED STATES OF AMERICA,
AND THE
SACHEMS AND WARRIORS
OF THE
SIX NATIONS.

ORIGINAL.

ARTICLES

Concluded at Fort Stanwix, on the twenty-second Day of October, one thousand seven hundred and eighty-four, between Oliver Wolcott, Richard Butler, and Arthur Lee, Commissioners Plenipotentiary from the United States, in Congress assembled, on the one Part, and the Sachems and Warriors of the Six Nations, on the other.

THE United States of America give peace to the Senecas, Mohawks, Onondagas and Cayugas, and receive them into their protection upon the following conditions :

ARTICLE I.

Six hostages shall be immediately delivered to the commissioners by the said nations, to remain in possession of the United States, till all the prisoners, white and black, which were taken by the said Senecas, Mohawks, Onondagas and Cayugas, or by any of them, in the

Hostages to be given till prisoners are delivered up.

late war, from among the people of the United States, shall be delivered up.

ARTICLE II.

Possession
of lands se-
cured.

The Oneida and Tuscarora nations shall be secured in the possession of the lands on which they are settled.

ARTICLE III.

Bounda-
ries.

A line shall be drawn, beginning at the mouth of a creek about four miles east of Niagara, called Oyonwayea, or Johnston's Landing-Place, upon the lake named by the Indians Oswego, and by us Ontario; from thence southerly in a direction always four miles east of the carrying-path, between Lake Erie and Ontario, to the mouth of Tehoseron or Buffaloe Creek on Lake Erie; thence south to the north boundary of the state of Pennsylvania; thence west to the end of the said north boundary; thence south along the west boundary of the said state, to the river Ohio; the said line from the mouth of the Oyonwayea to the Ohio, shall be the western boundary of the lands of the Six Nations, so that the Six Nations shall and do yield to the United States, all claims to the country west of the said boundary, and then they shall be secured in the peaceful possession of the lands they inhabit east and north of the same, reserving only six miles square round the fort of Oswego, to the United States, for the support of the same.

ARTICLE IV.

Goods
given to
the In-
dians.

The Commissioners of the United States, in consideration of the present circumstances of the Six Nations, and in execution of the humane and liberal views of the United States upon the signing of the above articles, will

order goods to be delivered to the said Six Nations for their use and comfort.

<i>Oliver Wolcott,</i>	(L. s.)
<i>Richard Butler,</i>	(L. s.)
<i>Arthur Lee,</i>	(L. s.)

Mohawks.

<i>Onogwendabonji,</i>	his X mark. (L. s.)
<i>Towighnatogon,</i>	his X mark. (L. s.)

Onondagas.

<i>Oheadarighton,</i>	his X mark. (L. s.)
<i>Kendarindgon,</i>	his X mark. (L. s.)

Senecas.

<i>Tayagonendagighti,</i>	his X mark. (L. s.)
<i>Tehonwaeaghriagi,</i>	his X mark. (L. s.)

Oneidas.

<i>Otyadonenghti,</i>	his X mark. (L. s.)
<i>Dagabeari,</i>	his X mark. (L. s.)

Cayuga.

<i>Oragbgoanendagen,</i>	his X mark. (L. s.)
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Tufcarora.

<i>Ononghsawenghti,</i>	his X mark. (L. s.)
<i>Tharondawagen,</i>	his X mark. (L. s.)

Seneca Abeal.

<i>Kayenthoghke,</i>	his X mark. (L. s.)
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Witnesses: Sam. Jo. Atlee, Wm. Maclay, Fras. Johnston, Pennsylvania Commissioners. Aaron Hill, Alexander Campbell, Saml. Kirkland, Miss'y. James Dean, Saml. Montgomery, Derick Lane, Capt. John Mercer, Lieut. William Pennington, Lieut. Mahlon Ford, Ensign. Hugh Peebles.



Articles of a Treaty

BETWEEN THE
UNITED STATES OF AMERICA,

AND THE
SACHEMS AND WARRIORS

OF THE
*Wiandot, Delaware, Chippawa and Ottawa
Nations.*

O R I G I N A L.

A R T I C L E S

Concluded at Fort M'Intosh, the twenty-first Day of January, one thousand seven hundred and eighty-five, between the Commissioners Plenipotentiary of the United States of America, of the one Part, and the Sachems and Warriors of the Wiandot, Delaware, Chippawa and Ottawa Nations of the other.

THE Commissioners Plenipotentiary of the United States in Congress assembled, give peace to the Wiandot, Delaware, Chippawa, and Ottawa nations of Indians, on the following conditions.

ARTICLE I.

Three chiefs, one from among the Wiandot, and two from among the Delaware nations, shall be delivered up to the Commissioners of the United States, to be by them retained till all the prisoners, white and black, taken by the said nations, or any of them, shall be restored.

Hostages to be given, till prisoners are restored.

ARTICLE II.

The said Indian nations do acknowledge themselves and all their tribes to be under the protection of the United States, and of no other sovereign whatsoever.

Indians acknowledge protection of U. S.

ARTICLE III.

Bounda-
ries.

The boundary line between the United States and the Wiandot and Delaware nations, shall begin at the mouth of the river Cayahoga, and run thence up the said river to the portage between that and the Tuscarawas branch of Muskingum; then down the said branch to the forks at the crossing place above Fort Lawrence; then westerly to the portage of the Big Miami, which runs into the Ohio, at the mouth of which branch the fort stood which was taken by the French in one thousand seven hundred and fifty-two; then along the said portage to the Great Miami or Ome river, and down the south-east side of the same to its mouth; thence along the south shore of lake Erie, to the mouth of Cayahoga where it began.

ARTICLE IV.

Reserves.

The United States allot all the lands contained within the said lines to the Wiandot and Delaware nations, to live and to hunt on, and to such of the Ottawa nation as now live thereon; saving and reserving for the establishment of trading posts, six miles square at the mouth of Miami or Ome river, and the same at the portage on that branch of the Big Miami which runs into the Ohio, and the same on the lake of Sanduske where the fort formerly stood, and also two miles square on each side of the lower rapids of Sanduske river, which posts and the lands annexed to them, shall be to the use and under the government of the United States.

ARTICLE V.

No citizen
of U. S. to
settle on
Indian
lands.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands allotted to the Wiandot and Delaware nations in this treaty, ex-

cept on the lands reserved to the United States in the preceding article, such person shall forfeit the protection of the United States, and the Indians may punish him as they please.

ARTICLE VI.

The Indians who sign this treaty, as well in behalf of all their tribes as of themselves, do acknowledge the lands east, south and west of the lines described in the third article, so far as the said Indians formerly claimed the same, to belong to the United States; and none of their tribes shall presume to settle upon the same, or any part of it.

Indians recognize title of U. S. to certain described lands.

ARTICLE VII.

The post of Detroit, with a district beginning at the mouth of the river Rosine, on the west end of lake Erie, and running west six miles up the southern bank of the said river, thence northerly and always six miles west of the strait, till it strikes the lake St. Clair, shall be also reserved to the sole use of the United States.

Post at Detroit reserved.

ARTICLE VIII.

In the same manner the post of Michillimachenac with its dependencies, and twelve miles square about the same, shall be reserved to the use of the United States.

Post at Michillimachenac reserved.

ARTICLE IX.

If any Indian or Indians shall commit a robbery or murder on any citizen of the United States, the tribe to which such offenders may belong, shall be bound to deliver them up at the nearest post, to be punished according to the ordinances of the United States.

Robbers & murderers to be delivered to U. S.

ARTICLE X.

The Commissioners of the United States, in pursuance of the humane and liberal views of Congress, upon this treaty's being signed,

Goods to be distributed.

will direct goods to be distributed among the different tribes for their use and comfort.

Separate Article.

Provision
for certain
Indians.

It is agreed that the Delaware chiefs, Kelelamand or lieutenant-colonel Henry, Hengue Pushees or the Big Cat, Wicocalind or Captain White Eyes, who took up the hatchet for the United States, and their families, shall be received into the Delaware nation, in the same situation and rank as before the war, and enjoy their due portions of the lands given to the Wiandot and Delaware nations in this treaty, as fully as if they had not taken part with America, or as any other person or persons in the said nations.

<i>Geo. Clark,</i>		(L. S.)
<i>Richard Butler,</i>		(L. S.)
<i>Arthur Lee,</i>		(L. S.)
<i>Daunghquat,</i>	his X mark.	(L. S.)
<i>Abraham Kuhn,</i>	his X mark.	(L. S.)
<i>Ottawerreri,</i>	his X mark.	(L. S.)
<i>Hobocan,</i>	his X mark.	(L. S.)
<i>Walendightun,</i>	his X mark.	(L. S.)
<i>Talapoxie,</i>	his X mark.	(L. S.)
<i>Wingenum,</i>	his X mark.	(L. S.)
<i>Packelant,</i>	his X mark.	(L. S.)
<i>Gingewanno,</i>	his X mark.	(L. S.)
<i>Waanoos,</i>	his X mark.	(L. S.)
<i>Konalwassée,</i>	his X mark.	(L. S.)
<i>Shawnaqum,</i>	his X mark.	(L. S.)
<i>Quecookkia,</i>	his X mark.	(L. S.)

Witnesses : Saml. J. Atlee, Francis Johnston, Pennsylvania Commissioners. Alexander Campbell. Josiah Harmar, Lieut. Col. Com't. Alexander Lowrey. Joseph Nicholas, interpreter. I. Bradford. George Slaughter. Van Swearingen. John Boggs. G. Evans. D. Luckett.

T R E A T Y

O F

A M I T Y A N D C O M M E R C E

B E T W E E N

His Majesty the King of Prussia

A N D T H E

U N I T E D S T A T E S O F A M E R I C A.

ORIGINAL.

TREATY *of* AMITY *and* COMMERCE,
between his Majesty the King of Prussia
and the United States of America.

HIS Majesty the King of Prussia, and the United States of America, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries ; His Majesty and the United States have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement.

With this view, His Majesty the King of Prussia has nominated and constituted as his Plenipotentiary, the Baron Frederick William de Thulemeier, his Privy Counsellor of Embassy, and Envoy Extraordinary with their High Mightinesses the States General of the United Netherlands ; and the United States have, on their part, given full powers to John Adams, Esquire, late one of their Ministers Plenipotentiary for negotiating a peace, heretofore a Delegate in Congress from the state of Massachusetts, and Chief Justice of the same, and now Minister Plenipotentiary of the United States with His Britannic Majesty ; Doctor Benjamin Franklin, late Minister Plenipotentiary at the court of Versailles, and another of their Ministers Plenipotentiary for negotiating a peace ; and Thomas Jefferson, heretofore a Delegate in Congress from the state of Virginia, and Governor of the said state, and now Minister Plenipotentiary of the United States at the court of His Most Christian Majesty, which

O R I G I N A L.

TRAITÉ D'AMITIÉ *et de* COMMERCE,
entre sa Majesté le Roi de Prusse et les Etats
Unis de l'Amérique.

SA Majesté le Roi de Prusse, &c. &c. et les Etats Unis de l'Amérique, désirant de fixer d'une manière permanente et équitable les règles qui doivent être observées relativement à la correspondance et au commerce à établir entre les Etats respectifs des deux parties ; sa Majesté et les Etats Unis ont cru ne pouvoir mieux remplir ce but, qu'en posant pour base de leurs engagements la plus parfaite égalité et reciprocité.

Dans cette vuë sa Majesté le Roi de Prusse a nommé et constitué pour son Plénipotentiaire le Baron Frédéric Guillaume de Thulemeyer, son Conseiller Privé d'Ambassade et Envoyé Extraordinaire auprès de leurs Hautes Puissances les Etats Généraux des Provinces Unies ; et les Etats Unis ont de leur côté pourvu de leurs pleinpouvoirs le Sieur John Adams ci-devant l'un de leurs Ministres Plénipotentiaires pour traiter de la paix, Delegué au Congrès de la part de l'état de Massachusets et Chef de Justice du dit état, actuellement Ministre Plénipotentiaire des Etats Unis près sa Majesté le Roi de la Grand Bretagne, le Docteur Benjamin Franklin en dernier lieu leur Ministre Plénipotentiaire à la cour de sa Majesté très Chrétienne et aussi l'un de leurs Ministres Plénipotentiaires pour traiter de la paix ; et le Sieur Thomas Jefferson, ci-devant delegué au Congrès de la part de l'état de Virginie et gouverneur du dit état, actuellement Ministre Plénipotentiaire à la cour de sa Majesté

respective Plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled and signed the following articles.

ARTICLE I.

Peace and
friendship
between
the two
nations.

There shall be a firm, inviolable and universal peace and sincere friendship between His Majesty the King of Prussia, his heirs, successors and subjects, on the one part, and the United States of America, and their citizens, on the other, without exception of persons or places.

ARTICLE II.

Subjects of
Prussia en-
titled to
same pri-
vileges in
United
States, as
the most fa-
voured na-
tion.

The subjects of His Majesty the King of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures and merchandize; and shall pay within the said United States no other or greater duties, charges or fees whatsoever, than the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favoured nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the citizens of the United States, and the citizens and subjects of the most favoured nations.

ARTICLE III.

Citizens of
United
States en-
titled to
same pri-
vileges in
Prussia, as
the most fa-
voured na-
tion.

In like manner the citizens of the United States of America may frequent all the coasts and countries of his Majesty the King of Prussia, and reside and trade there in all sorts of produce, manufactures and merchandize, and shall pay in the dominions of his said Majesty no other or greater duties, charges or fees

très Chrétienne, lesquels Plénipotentiaires respectifs, après avoir échangé leurs pleinpouvoirs, et en conséquence d'une mure délibération, ont conclu, arrêté et signé les articles suivans.

ARTICLE I.

Il y aura une paix ferme, inviolable et universelle et une amitié sincère, entre sa Majesté le Roi de Prusse, ses héritiers, successeurs et sujets, d'une part, et les Etats Unis d'Amérique et leurs citoyens, d'autre part, sans exception de personnes ou de lieux.

ARTICLE II.

Les sujets de sa Majesté le Roi de Prusse pourront fréquenter toutes les côtes et tous les pays des Etats Unis de l'Amérique, y résider et trafiquer en toutes sortes de productions, manufactures et marchandises, et ne payeront d'autres ni de plus forts impôts, charges ou droits dans les dits Etats Unis, que ceux que les nations les plus favorisées sont, ou seront obligées de payer ; et ils jouiront de tous les droits, privilèges et exemptions dans la navigation et le commerce dont jouit, ou jouira la nation la plus favorisée ; se soumettant néanmoins aux loix et usages y établis, et auxquels sont soumis les citoyens des Etats Unis et les citoyens et sujets des nations les plus favorisées.

ARTICLE III.

Pareillement les citoyens des Etats Unis de l'Amérique pourront fréquenter toutes les côtes et tous les pays de sa Majesté le Roi de Prusse, y résider et trafiquer en toutes sortes de productions, manufactures et marchandises, et ne payeront d'autres ni plus forts impôts, charges ou droits dans les domaines de sa dite

whatsoever than the most favoured nation is or shall be obliged to pay ; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce which the most favoured nation does or shall enjoy ; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the subjects of his Majesty the King of Prussia, and the subjects and citizens of the most favoured nations.

ARTICLE IV.

Regulation
of commer-
cial inter-
course.

More especially each party shall have a right to carry their own produce, manufactures and merchandize, in their own or any other vessels to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other freely to purchase them ; and thence to take the produce, manufactures and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cases such duties, charges and fees only, as are or shall be paid by the most favoured nation. Nevertheless the King of Prussia and the United States, and each of them, reserve to themselves the right, where any nation restrains the transportation of merchandize to the vessels of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations ; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandize whatsoever, when reasons of state shall require it. In this case, the subjects or citizens of either of the contracting parties shall not import or export the merchandize prohibited by the other ; but if one of the contracting parties permits any other nation to import or export the same merchan-

Majesté, que ceux que la nation la plus favorisée est, ou sera obligée de payer, et ils jouiront des tous les droits, pivilèges et exemptions dans la navigation et le commerce, dont jouit ou jouira la nation la plus favorisée ; se soumettant néanmoins aux lois et usages y établis, et aux quels sont soumis les sujets de sa Majesté le Roi de Prusse, et les sujets et citoyens des nations les plus favorisées."

ARTICLE IV.

En particulier, chacune des deux nations aura le droit d'importer ses propres productions, manufactures et marchandises à bord de ses propres bâtimens ou de tel autre, dans toutes les parties des domaines de l'autre, où il sera permis à tous les sujets et citoyens de l'autre nation de les acheter librement ; comme aussi d'y charger les productions, manufactures et marchandises de l'autre que tous les dits sujets ou citoyens auront la liberté de leur vendre ; en payant dans l'un et l'autre cas, tels impôts, droits et charges seulement, que ceux qui sont, ou seront payés par la nation la plus favorisée. Cependant le Roi de Prusse et les Etats Unis de l'Amérique, et chacun d'eux en particulier, se réservent le droit, au cas que quelque nation restreigne le transport des marchandises aux vaisseaux des pays dont elles sont la production ou la manufacture, d'établir envers cette nation des réglemens reciproques. Se réservant de plus le droit de prohiber dans leurs pays respectifs l'importation ou l'exportation de toute marchandise quelconque, dès que la raison d'état l'exige. En ce cas, les sujets ou citoyens d'une des parties contractantes ne pourront importer ni exporter les marchandises prohibées par l'autre. Mais si l'une des

dize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE V.

Vessels not
to be forced
to unload mer-
chandize,
&c.

The merchants, commanders of vessels, or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandize into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

ARTICLE VI.

Goods to
be examin-
ed before
loaded, and
not after,
unless in
case of
fraud.

That the vessels of either party loading within the ports or jurisdiction of the other, may not be uselessly harassed or detain'd, it is agreed, that all examinations of goods required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no other person shall be molested, nor shall any other goods, nor the vessel be seized or detained for that cause.

ARTICLE VII.

Each party
to protect
the vessels
and effects
of the

Each party shall endeavour, by all the means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within

parties contractantes permet à quelqu'autre nation d'importer ou d'exporter ces mêmes marchandises, les citoyens ou sujets de l'autre partie contractante jouiront tout aussitôt d'une liberté pareille.

ARTICLE V.

Les marchands, commandans de vaisseaux, et autres sujets ou citoyens de chacune des deux nations, ne seront pas forcés dans les ports ou dans la juridiction de l'autre, de décharger aucune sorte de marchandises dans d'autres vaisseaux, ni de les recevoir à bord de leurs propres navires, ni d'attendre leur chargement plus long-temps qu'il ne leur plaira.

ARTICLE VI.

Pour éviter que les vaisseaux de l'une des deux parties contractantes ne foyent point inutilement molestés ou detenus dans les ports ou sous la juridiction de l'autre, il a été convenu que la visite des marchandises, ordonnée par les loix, se fera avant qu'elles ne foyent chargées sur le navire, et qu'ensuite elles ne seront plus assujetties à aucune visite. Et en général il ne se fera point de recherche à bord du vaisseau, à moins qu'on n'y ait chargé clandestinement et illégalement des marchandises prohibées. Dans ce cas, celui par l'ordre duquel elles ont été portées à bord, ou celui qui les y a portées sans ordre, sera soumis aux loix du pays où il se trouve, sans que le reste de l'équipage soit molesté, ni les autres marchandises, ou le vaisseau saisis ou detenus par cette raison.

ARTICLE VII.

Chacune des deux parties contractantes tâchera, par tous les moyens qui seront en son pouvoir, de protéger et de défendre tous les vaisseaux et autres effets appartenans aux ci-

other, in
their do-
minions.

the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which shall be taken from them within the extent of their said jurisdiction.

ARTICLE VIII.

Vessels
coming on
the coast,
or entering
the ports
of either
nation, how
to be treat-
ed.

The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges and fees shall be the same, and shall be paid on the same footing as in the case of subjects or citizens of the country where they are established.

ARTICLE IX.

In case of
shipwrecks
relief shall
be afford-
ed, and
goods re-
stored.

When any vessel of either party shall be wrecked, foundered or otherwise damaged on the coasts, or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case: and if the operations of repair shall require that the whole or any part of their cargo be unladed,

toyens ou fujets de l'autre, et se trouvant dans l'étendue de sa juridiction par mer ou par terre : et elle emploiera tous ses efforts pour recouvrer et faire restituer aux propriétaires légitimes les vaisseaux et effets qui leur auront été enlevés dans l'étendue de sa dite juridiction.

ARTICLE VIII.

Les vaisseaux des fujets ou citoyens d'une des deux parties contractantes, arrivant sur une côte appartenante à l'autre, mais n'ayant pas dessein d'entrer au port, ou y étant entrés, ne desirant par de décharger leurs cargaisons, ou de rompre leur charge, auront la liberté de repartir et de poursuivre leur route sans empêchement, et sans être obligés de rendre compte de leur cargaison, ni de payer aucuns impôts, charges et droits quelconques, excepté ceux établis sur les vaisseaux une fois entrés dans le port, et destinés à l'entretien du port même ou à d'autres établissemens qui ont pour but la sûreté et la commodité des navigateurs, lesquels droits, charges et impôts seront les mêmes et se payeront sur le même pied qu'ils sont acquittés par les fujets ou citoyens de l'état où ils sont établis.

ARTICLE IX.

Au cas que quelque vaisseau appartenant à l'une des deux parties contractantes auroit fait naufrage, échoué ou souffert quelque autre dommage sur les côtes ou sous la domination de l'autre, les fujets ou citoyens respectifs recevront, tant pour eux que pour leurs vaisseaux et effets, la même assistance qui auroit été fournie aux habitans du pays où l'accident arrive ; et ils payeront seulement les mêmes charges et droits, auxquels les dits habitans auroient été assujettis en pareil cas. Et si la réparation du vaisseau exigeoit que la cargai-

they shall pay no duties, charges or fees on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished, with respect to the subjects or citizens of the two contracting parties.

ARTICLE X.

The Citizens or Subjects of each party, may dispose of their personal estate by will or otherwise.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the government of the respective

Regulations concerning the same.

son fût déchargée en tout ou en partie, ils ne payeront aucun impôt, charge ou droit de ce qui sera rembarqué et emporté. L'ancien et barbare droit de naufrage sera entièrement aboli à l'égard des fujets ou citoyens des deux parties contractantes.

ARTICLE X.

Les citoyens ou fujets de l'une des deux parties contractantes auront dans les états de l'autre, la liberté de disposer de leurs biens personnels, soit par testament, donation ou autrement, et leurs héritiers étant fujets ou citoyens de l'autre partie contractante, succéderont à leurs biens, soit en vertu d'un testament, ou *ab intestat*, et ils pourront en prendre possession, soit en personne, soit par d'autres agissant en leur place, et en disposeront à leur volonté, en ne payant d'autres droits que ceux aux-quels les habitants du pays où la succession est devenue vacante, sont assujettis en pareille occurrence. Et en cas d'absence des héritiers, on prendra aussi longtemps des biens qui leur sont échus, les mêmes soins qu'on auroit pris en pareille occasion des biens des natifs du pays, jusqu'à ce que le propriétaire légitime ait agréé des arrangemens pour recueillir l'héritage. S'il s'élève des contestations entre différens pretendans ayant droit à la succession, elles seront décidées en dernier ressort selon les loix et par les juges du pays où la succession est vacante. Et si par la mort de quelque personne possédant des biens-fonds sur le territoire de l'une des parties contractantes, ces biens-fonds venoient à passer, selon les loix du pays, à un citoyen ou fujet de l'autre partie, si celui-ci, par sa qualité d'étranger est inhabile de les posséder, il obtiendra un délai convenable pour les vendre et pour en retirer le provenu, sans obstacle, exempt de tout droit

states. But this article shall not derogate in any manner from the force of the laws already published or hereafter to be published by his Majesty the King of Prussia, to prevent the emigration of his subjects.

ARTICLE XI.

Liberty of
conscience
secured.

The most perfect freedom of conscience and of worship, is granted to the citizens or subjects of either party, within the jurisdiction of the other, without being liable to molestation in that respect, for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party, shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XII.

Liberty for
either party
to trade
with a nation
at war
with the other.

Free ships
make free
goods.

If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent powers, shall not be interrupted. On the contrary, in that case as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch, that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other par-

de retenue, de la part du gouvernement des Etats respectifs. Mais cet article ne dérogera en aucune manière à la force des lois qui ont déjà été publiées ou qui le seront dans la suite, par sa Majesté le Roi de Prusse, pour prévenir l'émigration de ses sujets.

ARTICLE XI.

Il sera accordé la plus parfaite liberté de conscience et de culte aux citoyens et sujets de chaque partie contractante dans les états de l'autre, et personne ne sera molesté à cet égard pour quelque cause que ce soit, si ce n'est pour insulte faite à la religion de l'autre. De plus, si des sujets et citoyens de l'une des parties contractantes venoient à mourir dans la juridiction de l'autre, leurs corps seront enterrés dans les endroits où l'on a coutume de faire les enterremens, ou dans tel autre lieu décent et convenable, et ils seront protégés contre toute violence et trouble.

ARTICLE XII.

Si l'une des parties contractantes étoit en guerre avec une autre puissance, la libre correspondance et le commerce des citoyens ou sujets de la partie qui demeure neutre envers les puissances belligérantes, ne seront point interrompus. Au contraire, et dans ce cas, comme en pleine paix, les vaisseaux de la partie neutre pourront naviguer en toute sûreté dans les ports et sur les côtes des puissances belligérantes, les vaisseaux libres rendant les marchandises libres, en tant qu'on regardera comme libre tout ce que sera à bord d'un navire appartenant à la partie neutre, quand même ces effets appartiendroient à l'ennemi de l'autre. La même liberté s'étendra aux personnes qui se trouveront à bord d'un vaisseau

ty, unless they be soldiers in actual service of such enemy.

ARTICLE XIII.

No goods shall be deemed contraband, so as to justify confiscation; but vessels may be detained.

And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying however a reasonable compensation for the loss such arrest shall occasion to the proprietors: And it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

libre, quand mêmes elles feroient ennemis de l'autre partie, excepté que ce fussent des gens de guerre, actuellement au service de l'ennemi.

ARTICLE XIII.

Dans le cas où l'une des parties contractantes se trouveroit en guerre avec une autre puissance, il a été convenu que pour prévenir les difficultés et les discussions qui surviennent ordinairement par rapport aux marchandises ci-devant appellées de contrebande, telles que armes, munitions, et autres provisions de guerre de toute espèce, aucun de ces articles, chargés à bord des vaisseaux des citoyens ou sujets de l'une des parties, et destinés pour l'ennemi de l'autre, ne sera censé de contrebande, au point d'impliquer confiscation ou condamnation, et d'entraîner la perte de la propriété des individus. Néanmoins il sera permis d'arrêter ces sortes de vaisseaux et effets, et de les retenir pendant tout le temps que le preneur croira nécessaire pour prévenir les inconveniens et le dommage qui pourroient en resulter autrement ; mais dans ce cas on accordera une compensation raisonnable pour les pertes qui auront été occasionnées par la saisie. Et il sera permis en outre aux preneurs d'employer a leur service, en tout, ou en partie, les munitions militaires détenues, en en payant aux propriétaires la pleine valeur, à déterminer sur le prix qui aura cours à l'endroit de leur destination ; mais que dans le cas énoncé, d'un vaisseau arrêté pour des articles ci-devant appellés contrebande, si le maître du navire consentoit à delivrer les marchandises suspectes, il aura la liberté de le faire, et le navire ne sera plus amené dans le port, ni détenu plus longtemps, mais aura toute liberté de poursuivre sa route.

ARTICLE XIV.

Vessels to
be furnish-
ed with
sea-letters,
or pass-
ports.

And in the same case where one of the parties is engaged in war with another power, that the vessels of the neutral party may be readily and certainly known, it is agreed, that they shall be provided with sea-letters, or passports, which shall express the name, the property and burthen of the vessel, as also the name and dwelling of the master, which passports shall be made out in good and due forms, (to be settled by conventions between the parties whenever occasion shall require) shall be renewed as often as the vessel shall return into port; and shall be exhibited whensoever required, as well in the open sea as in port. But if the said vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

ARTICLE XV.

How ves-
sels are to
be treated,
when met
by ships of
war, or pri-
vateers.

And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sea-letters or passports. And all persons belonging to any vessel of war, public or private, who shall molest or injure, in any manner whatever, the people, vessels or effects of the other party, shall be responsible in their persons and property for da-

ARTICLE XIV.

Dans le cas où l'une des deux parties contractantes se trouveroit engagée dans une guerre avec une autre puissance, et afin que les vaisseaux de la partie neutre soyent promptement et sûrement reconnus, on est convenu qu'ils devront être munis de lettres de mer ou passeports, exprimant le nom, le propriétaire, et le port du navire, ainsi que le nom et la demeure du maître. Ces passeports, qui seront expédiés en bonne et due forme (à déterminer par des conventions entre les parties, lorsque l'occasion le requerra) devront être renouvelés toutes les fois que le vaisseau retournera dans son port, et seront exhibés à chaque requisiion tant en pleine mer que dans le port. Mais si le navire se trouve sous le convoi d'un ou plusieurs vaisseaux de guerre appartenants à la partie neutre, il suffira que l'officier commandant du convoi déclare que le navire est de son parti moyennant quoi cette simple déclaration sera censée établir le fait, et dispensera les deux parties de toute visite ultérieure.

ARTICLE XV.

Pour prévenir entièrement tout désordre et toute violence en pareil cas, il a été stipulé que lorsque des navires, de la partie neutre, navigans sans convoi, rencontreront quelque vaisseau de guerre public ou particulier de l'autre partie, le vaisseau de guerre n'approchera le navire neutre qu'au delà de la portée du canon, et n'enverra pas plus de deux ou trois hommes dans sa chaloupe à bord, pour examiner les lettres de mer ou passeports. Et toutes les personnes appartenantes à quelque vaisseau de guerre public ou particulier, qui molesteront ou insulteront en quelque manière que ce soit l'équipage, les vaisseaux ou

mages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

ARTICLE XVI.

Vessels not
to be de-
tained.

It is agreed that the subjects or citizens of each of the contracting parties, their vessels and effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatsoever. And in all cases of seizure, detention or arrest, for debts contracted or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

ARTICLE XVII.

When re-
captured,
vessels shall
be restored.

If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by that other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due proof shall be made concerning the property thereof.

ARTICLE XVIII.

Vessels
driven by
stresses of
weather,
&c. into
ports, shall
be protec-
ted.

If the citizens or subjects of either party, in danger from tempests, pirates, enemies or other accident, shall take refuge with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received, protected and treated with humanity and kind-

effets de l'autre partie, seront responsables en leurs personnes et en leurs biens, de tous dommages et intérêts ; pour lesquels il sera donné caution suffisante par tous les commandans de vaisseaux armés en course, avant qu'ils reçoivent leurs commissions.

ARTICLE XVI.

Il a été convenu que les sujets ou citoyens de l'une des parties contractantes, leurs vaisseaux ni effets, ne pourront être assujettis à aucun embargo, ni retenus de la part de l'autre pour quelque expédition militaire, usage public ou particulier de qui que ce soit. Et dans les cas de saisie, de détention, ou d'arrêt, soit pour dettes contractées, ou offenses commises par quelque citoyen ou sujet de l'une des parties contractantes dans la juridiction de l'autre, on procédera uniquement par ordre et autorité de la justice et suivant les voyes ordinaires en pareil cas usitées.

ARTICLE XVII.

S'il arrivoit que les bâtimens ou effets de la puissance neutre fussent pris par l'ennemi de l'autre, ou par un pirate, et ensuite repris par la puissance en guerre, ils seront conduits dans un port de l'une des deux parties contractantes et remis à la garde des officiers du port, afin d'être restitués en entier au propriétaire légitime, dès qu'il aura dûment constaté son droit de propriété.

ARTICLE XVIII.

Lorsque les citoyens ou sujets de l'une des deux parties contractantes seront forcés par des tempêtes, par la poursuite des corsaires ou vaisseaux ennemis, ou par quelqu' autre accident, à se réfugier avec leurs vaisseaux ou effets dans les havres, ou dans la juridiction de

ness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions and other things necessary for their sustenance, health and accommodation, and for the repair of their vessels.

ARTICLE XIX.

Vessels of war may carry prizes into the ports of each nation.

The vessels of war, public and private, of both parties, shall carry freely wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges or fees to officers of admiralty, of the customs, or any others, nor shall such prizes be arrested, searched or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to shew. But no vessel which shall have made prizes on the subjects of his Most Christian Majesty the King of France, shall have a right of asylum in the ports or havens of the said United States; and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said Most Christian Majesty and the said United States.

ARTICLE XX.

Citizens of either party shall not take commissions, or letters of marque, from a state at war with the other.

No citizen or subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either

l'autre, ils seront reçus, protégés et traités avec humanité et honnêteté. Il leur sera permis de se pourvoir à un prix raisonnable de rafraichissemens, de provisions et de toutes choses nécessaires pour leur subsistance, santé et commodité, et pour la reparation de leurs vaisseaux.

ARTICLE XIX.

Les vaisseaux de guerre publics et particuliers des deux parties contractantes, pourront conduire en toute liberté, par tout où il leur plaira, les vaisseaux et effets qu'ils auront pris sur leurs ennemis, sans être obligés de payer aucuns impôts, charges ou droits aux officiers de l'amirauté, des douanes ou autres. Ces prises ne pourront être non plus ni arrêtées, ni visitées, ni soumises à des procédures légales, en entrant dans le port de l'autre partie, mais elles pourront en sortir librement, et être conduites en tout temps par le vaisseau preneur aux endroits portés par les commissions, dont l'officier commandant le dit vaisseau sera obligé de faire montre. Mais tout vaisseau qui aura fait des prises sur les sujets de sa Majesté très Chrétienne le Roi de France, ne sauroit obtenir un droit d'asile dans les ports ou havres des Etats Unis ; et s'il étoit forcé d'y entrer par des tempêtes ou dangers de mer, il sera obligé d'en repartir le plutôt possible, conformément à la teneur des traités subsistans entre sa Majesté très Chrétienne et les Etats Unis.

ARTICLE XX.

Aucun citoyen ou sujet de l'une des deux parties contractantes n'acceptera d'une puissance avec laquelle l'autre pourroit être en guerre, ni commission, ni lettre de marque, pour armer en course contre cette dernière, sous peine d'être puni comme pirate. Et ni

party hire, lend or give any part of their naval or military force to the enemy of the other, to aid them offensively or defensively against that other.

ARTICLE XXI.

Regulations to be observed in case of war.

If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them.

1st. If a vessel of one of the parties, retaken by a privateer of the other, shall not have been in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one-third of the value of the vessel and cargo; but if she shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptor. 2d. If in the same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one-thirtieth part of the value of the vessel and cargo, if she shall not have been in possession of the enemy more than twenty-four hours, and one-tenth of the said value where she shall have been longer, which sums shall be distributed in gratuities to the recaptors. 3d. The restitution in the cases aforesaid, shall be after due proof of property, and surety given for the part to which the recaptors are entitled. 4th. The vessels of war, public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each; but the said prizes shall not be discharged nor sold there, until their legality shall have been decided, according to the laws and regulations of the states to which the captor belongs, but by the judicatures of the place into which the

l'un ni l'autre des deux Etats ne louera, prêtera ou donnera une partie de ses forces navales ou militaires à l'ennemi de l'autre, pour l'aider à agir offensivement ou défensivement contre l'état qui est en guerre.

ARTICLE XXI.

S'il arrivoit que les deux parties contractantes fussent en même temps en guerre contre un ennemi commun, on observera de part et d'autre les points suivans.

1. Siles bâtimens de l'une des deux nations repris par les armateurs de l'autre, n'ont pas été au pouvoir de l'ennemi au de là de vingt-quatre heures, ils seront restitués au premier propriétaire moyennant le paiement du tiers de la valeur du bâtiment et de la cargaison : si au contraire le vaisseau repris a été plus de vingt-quatre heures au pouvoir de l'ennemi, il appartiendra en entier à celui qui l'a repris.

2. Dans le cas qu'un navire est repris par un vaisseau de guerre de l'une des puissances contractantes, il sera rendu au propriétaire, moyennant qu'il paye un trentieme du navire et de la cargaison, si le bâtiment n'a pas été plus de vingt-quatre heures au pouvoir de l'ennemi, et le dixieme de cette valeur, s'il y a été plus long-temps, lesquelles sommes seront distribuées en guise de gratification à ceux qui l'auront repris. 3. Dans ces cas la restitution n'aura lieu qu'après les preuves faites de la propriété, sous caution de la quote-part qui en revient à celui qui a repris le navire. 4. Les vaisseaux de guerre publics et particuliers des deux parties contractantes seront admis réciproquement avec leurs prises dans les ports respectifs ; cependant ces prises ne pourront y être déchargées ni vendues, qu'après que la légitimité de la prise aura été décidée sui-

prize shall have been conducted. 5th. It shall be free to each party to make such regulations as they shall judge necessary for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

ARTICLE XXII.

Convoys in
certain
cases.

Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall, upon all occasions, take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

ARTICLE XXIII.

In case of
war, nine
months al-
lowed to
citizens to
settle their
affairs;

If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance: And all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers and fishermen unarmed and inhabiting unfortified towns, villages or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall

vant les loix et réglemens de l'état dont le preneur est sujet, mais par la justice du lieu où la prise aura été conduite. 5. Il sera libre à chacune des parties contractantes de faire tels réglemens qu'elles jugeront nécessaires, relativement à la conduite que devront tenir respectivement leurs vaisseaux de guerre publics et particuliers, à l'égard des bâtimens qu'ils auront pris et amenés dans les ports des deux puissances.

ARTICLE XXII.

Lorsque les parties contractantes seront engagées en guerre contre un ennemi commun, ou qu'elles seront neutres toutes deux, les vaisseaux de guerre de l'une prendront en toute occasion, sous leur protection, les navires de l'autre, qui font avec eux la même route, et ils les défendront, aussi long-temps qu'ils seront voile ensemble, contre toute force et violence et de la même manière qu'ils protégeroient et défendroient les navires de leur propre nation.

ARTICLE XXIII.

S'il survient une guerre entre les parties contractantes, les marchands de l'un des deux Etats qui résideront dans l'autre, auront la permission d'y rester encore neuf mois, pour recueillir leurs dettes actives, et arranger leurs affaires, après quoi ils pourront partir en toute liberté et emporter tous leurs biens, sans être molestés ni empêchés. Les femmes et les enfans, les gens de lettres de toutes les facultés, les cultivateurs, artisans, manufacturiers et pêcheurs, qui ne sont point armés et qui habitent des villes, villages ou places qui ne sont pas fortifiés, et en général tous ceux dont la vocation tend à la subsistance et à l'avantage commun du genre humain, auront la liberté

Principles
of conduct-
ing war.

their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall ; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniencies and comforts of human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested ; and neither of the contracting powers shall grant or issue any commission to any private armed vessels, empowering them to take or destroy such trading vessels or interrupt such commerce.

No com-
missions to
be granted
to private
armed ves-
sels.

ARTICLE XXIV.

Treatment
of prisoners
of war re-
gulated.

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other, and to the world, that they will not adopt any such practice ; that neither will send the prisoners whom they may take from the other into the East-Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations ; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs ; that the officers shall be enlarged on

de continuer leurs professions respectives, et ne feront point molestés en leurs personnes, ni leurs maisons, ou leurs biens incendiés, ou autrement détruits, ni leurs champs ravagés par les armées de l'ennemi au pouvoir duquel ils pourroient tomber par les événemens de la guerre; mais si l'on se trouve dans la nécessité de prendre quelque chose de leurs propriétés pour l'usage de l'armée ennemie, la valeur en sera payée à un prix raisonnable. Tous les vaisseaux marchands et commerçans, employés à l'échange des productions de differens endroits, et par consequent destinés à faciliter et repandre les nécessités, les commodités et les douceurs de la vie, passeront librement et sans être molestés. Et les deux puissances contractantes s'engagent à n'accorder aucune commission à des vaisseaux armés en course, qui les autorisât à prendre ou à détruire ces sortes de vaisseaux marchands, ou à interrompre le commerce.

ARTICLE XXIV.

Afin d'adoucir le sort des prisonniers de guerre, et ne les point exposer à être envoyés dans des climats éloignés et rigoureux, ou resserrés dans des habitations étroites et malsaines, les deux parties contractantes s'engagent solennellement l'une envers l'autre, et à la face de l'univers, qu'elles n'adopteront aucun de ces usages; que les prisonniers qu'elles pourroient faire l'une sur l'autre ne seront transportés ni aux Indes Orientales, ni dans aucune contrée de l'Asie ou de l'Afrique, mais qu'on leur assignera en Europe ou en Amerique, dans les territoires respectifs des parties contractantes, un séjour situé dans un air sain; qu'ils ne feront point confinés dans des cachots, ni dans des prisons, ni dans des vais-

Treatment
of prisoners
of war re-
gulated.

their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomly and good as are provided by the party in whose power they are for their own troops ; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army ; and all others shall be daily furnished by them with such ration as they allow to a common soldier in their own service ; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war ; and the said accounts shall not be mingled with, or set off against any others, nor the balances due on them, be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever ; that each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him ; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer or other prisoner, shall forfeit so much of the benefit of this article as provides for his enlargement on pa-

seaux de prison ; qu'ils ne seront pas mis aux fers, ni garrottés, ni autrement privés de l'usage de leurs membres ; que les officiers seront relâchés sur leur parole d'honneur, dans l'enceinte de certains districts qui leur seront fixés, et qu'on leur accordera des logemens commodes ; que les simples soldats seront distribués dans des cantonnemens ouverts, assez vastes pour prendre l'air et l'exercice, et qu'ils seront logés dans des barraques aussi spacieuses et aussi commodes que le sont celles des troupes de la puissance au pouvoir de laquelle se trouvent les prisonniers. Que cette puissance fera pourvoir journellement les officiers d'autant de rations, composées des mêmes articles et de la même qualité, dont jouissent en nature ou en équivalent, les officiers du même rang qui sont à son propre service ; qu'elle fournira également à tous les autres prisonniers une ration pareille à celle qui est accordée au soldat de sa propre armée. Le montant de ces dépenses sera payé par l'autre puissance, d'après une liquidation de compte à arrêter réciproquement pour l'entretien des prisonniers à la fin de la guerre ; et ces comptes ne seront point confondus ou balancés avec d'autres comptes, ni la solde qui en est due, retenue comme compensation ou représailles, pour tel autre article ou telle autre prétention réelle ou supposée. Il sera permis à chacune des deux puissances d'entretenir un commissaire de leur choix, dans chaque cantonnement des prisonniers qui sont au pouvoir de l'autre ; ces commissaires auront la liberté de visiter les prisonniers, aussi souvent qu'ils le désireront ; ils pourront également recevoir et distribuer les douceurs que les parens ou amis des prisonniers leur feront parvenir. Enfin il leur fera

role or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations.

ARTICLE XXV.

Consuls,
&c. to be
allowed in
the ports of
each na-
tion.

The two contracting parties grant to each other the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries of their own appointment, whose functions shall be regulated by particular agreement whenever either party shall chuse to make such appointment; but if any such consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

ARTICLE XXVI.

All favors
granted to
another na-
tion by one
party shall
become
common to
the other.

If either party shall hereafter grant to any other nation, any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted, to such other nation, or on

libre encore de faire leurs rapports par lettres ouvertes, à ceux qui les emploient; mais si un officier manquoit à sa parole d'honneur, ou qu'un autre prisonnier fortît des limites qui auront été fixées à son cantonnement, un tel officier ou un autre prisonnier sera frustré individuellement des avantages stipulés dans cet article, pour sa relaxation sur parole d'honneur ou pour son cantonnement. Les deux puissances contractantes ont déclaré en outre, que, ni le prétexte que la guerre rompt les traités, ni tel autre motif quelconque, ne seront censés annuler ou suspendre cet article et le précédent; mais qu'au contraire le temps de la guerre est précisément celui pour lequel ils ont été stipulés, et durant lequel ils seront observés aussi saintement que les articles les plus universellement reconnus par le droit de la nature et des gens.

ARTICLE XXV.

Les deux parties contractantes se sont accordé mutuellement la faculté de tenir dans leurs ports respectifs, des consuls, vice-consuls, agens et commissaires de leur choix et dont les fonctions seront déterminées par un arrangement particulier, lorsque l'une des deux puissances aura nommé à ces postes. Mais dans le cas que tel, ou autre de ces consuls, veuille faire le commerce, il sera soumis aux mêmes loix et usages, aux-quels sont soumis les particuliers de sa nation à l'endroit où il réside.

ARTICLE XXVI.

Lorsque l'une des deux parties contractantes accordera dans la suite quelque faveur particulière en fait de navigation ou de commerce à d'autres nations, elle deviendra aussitôt commune à l'autre partie contractante, et celle-ci

yielding the compensation where such nation does the same.

ARTICLE XXVII.

Duration of
the treaty.

His Majesty the King of Prussia, and the United States of America, agree, that this treaty shall be in force during the term of ten years from the exchange of ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall re-establish peace; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature.

In testimony whereof, the Plenipotentiaries before mentioned, have hereto subscribed their names, and affixed their seals, at the places of their respective residence, and at the dates expressed under their several signatures.

F. G. DE THULEMEIER. (L. S.)

A la Haye le 10 Septembre, 1785.

JOHN ADAMS. (L. S.)

London, August 5, 1785.

B. FRANKLIN. (L. S.)

Passy, July 9, 1785.

TH. JEFFERSON. (L. S.)

Paris, July 28, 1785.

jouira de cette faveur, gratuitement, si la concession est gratuite, ou en accordant la même compensation si la concession est conditionnelle.

ARTICLE XXVII.

Sa Majesté le Roi de Prusse et les Etats Unis de l'Amerique sont convenus que le présent traité aura son plein effet pendant l'espace de dix ans à compter du jour de l'échange et ratifications, et que si l'expiration de ce terme arrivoit dans le cours d'une guerre entre eux, les articles ci-dessus stipulés pour régler la conduite en temps de guerre, conserveront toute leur force, jusqu' à la conclusion du traité qui retablira la paix. Le présent traité sera ratifié de part et d'autre, et les ratifications seront échangées, dans l'espace d'une année, à compter du jour de la signature.

En foi de quoi les Plenipotentiaires sus nommés ont signé le présent traité et y ont apposé le cachet de leurs armes, aux lieux de leur domicile respectif, ainsi qu'il sera exprimé ci-dessous.

F. G. DE THULEMEIER. (L. S.)

A la Haye le 10 Septembre, 1785.

JOHN ADAMS. (L. S.)

London, August 5, 1785.

B. FRANKLIN. (L. S.)

Passy, July 9, 1785.

TH. JEFFERSON. (L. S.)

Paris, July 28, 1785.

Duration of
the treaty.

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Articles of a Treaty
BETWEEN THE
UNITED STATES OF AMERICA,
AND THE
HEAD-MEN AND WARRIORS
OF THE
C H E R O K E E S.

O R I G I N A L.

A R T I C L E S

Concluded at Hopewell, on the Keowee, between Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlan M'Intosh, Commissioners Plenipotentiary of the United States of America, of the one Part, and the Head-Men and Warriors of all the Cherokees of the other.

THE Commissioners Plenipotentiary of the United States, in Congress assembled, give peace to all the Cherokees, and receive them into the favour and protection of the United States of America, on the following conditions :

A R T I C L E I.

The Head-Men and Warriors of all the Cherokees shall restore all the prisoners, citizens of the United States, or subjects of their allies, to their entire liberty : They shall also restore all the Negroes, and all other property taken during the late war from the citizens, to such person, and at such time and place, as the Commissioners shall appoint.

Indians to
restore all
prisoners.

ARTICLE II.

United
States to
restore all
prisoners.

The Commissioners of the United States in Congress assembled, shall restore all the prisoners taken from the Indians, during the late war, to the Head-Men and Warriors of the Cherokees, as early as is practicable.

ARTICLE III.

Cherokees
acknow-
ledge pro-
tection of
U. S.

The said Indians for themselves and their respective tribes and towns do acknowledge all the Cherokees to be under the protection of the United States of America, and of no other sovereign whosoever.

ARTICLE IV.

Boundaries.

The boundary allotted to the Cherokees for their hunting grounds, between the said Indians and the citizens of the United States, within the limits of the United States of America, is, and shall be the following, viz. Beginning at the mouth of Duck river, on the Tennessee; thence running north-east to the ridge dividing the waters running into Cumberland from those running into the Tennessee; thence eastwardly along the said ridge to a north-east line to be run, which shall strike the river Cumberland forty miles above Nashville; thence along the said line to the river; thence up the said river to the ford where the Kentucky road crosses the river; thence to Campbell's line, near Cumberland gap; thence to the mouth of Claud's creek on Holstein; thence to the Chimney-top mountain; thence to Camp-creek, near the mouth of Big Limestone, on Nolichucky; thence a southerly course six miles to a mountain; thence south to the North-Carolina line; thence to the South-Carolina Indian boundary, and along the same south-west over the top of the Oconee mountain till it shall strike Tugalo river;

thence a direct line to the top of the Currohee mountain; thence to the head of the south fork of Oconee river.

ARTICLE V.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary which are hereby allotted to the Indians for their hunting grounds, or having already settled and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not as they please: Provided nevertheless, That this article shall not extend to the people settled between the fork of French Broad and Holstein rivers, whose particular situation shall be transmitted to the United States in Congress assembled for their decision thereon, which the Indians agree to abide by.

No citizen of U. S. to settle on Indian lands.

ARTICLE VI.

If any Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery, or murder, or other capital crime, on any citizen of the United States, or person under their protection, the nation, or the tribe to which such offender or offenders may belong, shall be bound to deliver him or them up to be punished according to the ordinances of the United States: Provided, that the punishment shall not be greater than if the robbery or murder, or other capital crime had been committed by a citizen on a citizen.

Indians to deliver up criminals.

ARTICLE VII.

If any citizen of the United States, or person under their protection, shall commit a rob-

Citizens of U. S. committing crimes against Indians to be punished. bery or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the murder or robbery, or other capital crime, had been committed on a citizen of the United States; and the punishment shall be in presence of some of the Cherokees, if any shall attend at the time and place, and that they may have an opportunity so to do, due notice of the time of such intended punishment shall be sent to some one of the tribes.

ARTICLE VIII.

Retaliation prohibited. It is understood that the punishment of the innocent under the idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty ; and then it shall be preceded first by a demand of justice, and if refused, then by a declaration of hostilities.

ARTICLE IX.

U. States to regulate trade. For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in Congress assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

ARTICLE X.

Special provision for trade. Until the pleasure of Congress be known, respecting the ninth article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees to trade with them, and they shall be protected in their persons and property, and kindly treated.

ARTICLE XI.

The said Indians shall give notice to the citizens of the United States, of any designs

which they may know or suspect to be formed in any neighbouring tribe, or by any person whosoever, against the peace, trade or interest of the United States.

Indians to give notice of designs against U. States.

ARTICLE XII.

That the Indians may have full confidence in the justice of the United States, respecting their interests, they shall have the right to send a deputy of their choice, whenever they think fit, to Congress.

Indians may send deputy to Congress.

ARTICLE XIII.

The hatchet shall be forever buried, and the peace given by the United States, and friendship re-established between the said states on the one part, and all the Cherokees on the other, shall be universal ; and the contracting parties shall use their utmost endeavours to maintain the peace given as aforesaid, and friendship re-established.

Peace and friendship perpetual.

IN WITNESS of all and every thing herein determined, between the United States of America, and all the Cherokees, We, their underwritten Commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed.

DONE at Hopewell, on the Keowee, this twenty-eighth of November, in the year of our Lord one thousand seven hundred and eighty-five.

Benjamin Hawkins,	(L. S.)
Andrew Pickens,	(L. S.)
Jos. Martin,	(L. S.)
Lach'n M'Intosh,	(L. S.)
Koatobee, or Corn Tassel	
of Toquo,	his mark. (L. S.)

<i>Scholauetta</i> , or Hanging Man	
of Chota,	his \times mark. (L. S.)
<i>Tuskegatahu</i> , or Long Fellow	
of Chistohoe,	his \times mark. (L. S.)
<i>Ooskwba</i> , or Abraham	
of Chilkowa,	his \times mark. (L. S.)
<i>Kolakusta</i> , or Prince	
of Noth,	his \times mark. (L. S.)
<i>Newota</i> , or The Gritzs	
of Chicamaga,	his \times mark. (L. S.)
<i>Konatota</i> , or the Rising Fawn	
of Highwassay,	his \times mark. (L. S.)
<i>Tuckasee</i> , or Young Tarrapin	
of Allajoy,	his \times mark. (L. S.)
<i>Toostaka</i> , or the Waker	
of Oostanawa,	his \times mark. (L. S.)
<i>Untoola</i> , or Gun Rod	
of Seteco,	his \times mark. (L. S.)
<i>Unsuokanail</i> , Buffalo White Calf	
New Cussee,	his \times mark. (L. S.)
<i>Kostayeak</i> , or	
Sharp Fellow Wataga,	his \times mark. (L. S.)
<i>Chonosta</i> , of Cowe,	his \times mark. (L. S.)
<i>Chescoonwho</i> , Bird in clofe	
of Tomotlug,	his \times mark. (L. S.)
<i>Tuckasee</i> , or Tarrapin	
of Hightowa,	his \times mark. (L. S.)
<i>Chesetoa</i> , or the Rabbit	
of Tlacoa,	his \times mark. (L. S.)
<i>Chesecotetona</i> , or Yellow Bird	
of the Pine Log,	his \times mark. (L. S.)
<i>Sketaloska</i> , Second Man	
of Tillico,	his \times mark. (L. S.)
<i>Chokasatabe</i> , Chickasaw	
Killer Tasonta,	his \times mark. (L. S.)
<i>Onanoota</i> , of Koosfoatee,	his \times mark. (L. S.)
<i>Ookoseta</i> , or Sower Mush	
of Kooloque,	his \times mark. (L. S.)

Umatooetha, the Water Hunter,

Choikamawga, his X mark. (L. S.)

Wyuka,

of Lookout Mountain his X mark. (L. S.)

Tulco, or Tom of Chatuga, his X mark. (L. S.)

Will, of Akoha, his X mark. (L. S.)

Nccatee, of Sawta, his X mark. (L. S.)

Amokontakona, Kutcloa, his X mark. (L. S.)

Kowetatabee, in

Frog-Town, his X mark. (L. S.)

Kcukuch, Talkoa, his X mark. (L. S.)

Tulatiska, of Chaway, his X mark. (L. S.)

Wooluka, the Way-layer,

Chota, his X mark. (L. S.)

Tatliusta, or Porpus

of Tilaffi, his X mark. (L. S.)

John, of Little Tallico, his X mark. (L. S.)

Skelelak, his X mark. (L. S.)

Akonoluchta, the Cabin, his X mark. (L. S.)

Chcanoka, of Kawetakac, his X mark. (L. S.)

Yellow Bird, his X mark. (L. S.)

WITNESS : Wm. Blount. Saml. Taylor,
Major. John Owen. Jefs Walton. Jno. Cow-
an, Capt. Commandant. Thos. Gegg. W.
Hazzard. Sworn Interpreters, James Madifon,
Arthur Coodey.

Articles of a Treaty
BETWEEN THE
UNITED STATES OF AMERICA,
AND THE
CHOCTAW NATION.

O R I G I N A L.

ARTICLES OF A TREATY

Concluded at Hopewell, on the Keowee, near Seneca Old Town, between Benjamin Hawkins, Andrew Pickens and Joseph Martin, Commissioners Plenipotentiary of the United States of America, of the one part; and Yockonahoma, great Medal Chief of Soonacoha; Yockahoopoie, leading Chief of Bugtoogoloo; Mingohoopoie, leading Chief of Hashooqua; Tobocoh, great Medal Chief of Congetoo; Poolhemastubie, Gorget Captain of Senayazo; and thirteen small Medal Chiefs of the first Class, twelve Medal and Gorget Captains, Commissioners Plenipotentiary of all the Choctaw Nation, of the other part.

THE Commissioners Plenipotentiary of the United States of America give peace to all the Choctaw nation, and receive them into the favour and protection of the United States of America, on the following conditions.

ARTICLE I.

The Commissioners Plenipotentiary of all the Choctaw nation, shall restore all the pri-
Indians to
restore pri-
soners

soners, citizens of the United States, or subjects of their allies, to their entire liberty, if any there be in the Choctaw nation. They shall also restore all the negroes, and all other property taken during the late war, from the citizens, to such person, and at such time and place as the Commissioners of the United States of America shall appoint, if any there be in the Choctaw nation.

ARTICLE II.

They acknowledge
protection
of U. S.

The Commissioners Plenipotentiary of all the Choctaw nation, do hereby acknowledge the tribes and towns of the said nation, and the lands with the boundary allotted to the said Indians to live and hunt on, as mentioned in the third article, to be under the protection of the United States of America, and of no other sovereign whatsoever.

ARTICLE III.

Boundaries.

The boundary of the lands hereby allotted to the Choctaw nation to live and hunt on, within the limits of the United States of America, is and shall be the following, viz. Beginning at a point on the thirty-first degree of north latitude, where the Eastern boundary of the Natches district shall touch the same; thence east along the said thirty-first degree of north latitude, being the southern boundary of the United States of America, until it shall strike the eastern boundary of the lands on which the Indians of the said nation did live and hunt on the twenty-ninth of November, one thousand seven hundred and eighty-two, while they were under the protection of the King of Great-Britain; thence northerly along the said eastern boundary, until it shall meet the northern boundary of the said lands; thence westerly along the said northern bound-

dary, until it shall meet the western boundary thereof; thence southerly along the same to the beginning: saving and reserving for the establishment of trading posts, three tracts or parcels of land of six miles square each, at such places as the United States in Congress assembled shall think proper; which posts, and the lands annexed to them, shall be to the use and under the government of the United States of America.

ARTICLE IV.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Indians to live and hunt on, such person shall forfeit the protection of the United States of America, and the Indians may punish him or not as they please.

No citizen of United States shall settle on Indian lands.

ARTICLE V.

If any Indian or Indians, or persons, residing among them, or who shall take refuge in their nation, shall commit a robbery or murder or other capital crime on any citizen of the United States of America, or person under their protection, the tribe to which such offender may belong, or the nation, shall be bound to deliver him or them up to be punished according to the ordinances of the United States in Congress assembled: Provided, that the punishment shall not be greater than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

Indians to deliver up criminals.

ARTICLE VI.

If any citizen of the United States of America, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if

Citizens of U. S. committing crimes against Indians to be punished.

the robbery or murder, or other capital crime, had been committed on a citizen of the United States of America ; and the punishment shall be in presence of some of the Choctaws, if any will attend at the time and place; and that they may have an opportunity so to do, due notice, if practicable, of the time of such intended punishment, shall be sent to some one of the tribes.

ARTICLE VII.

Retaliation
restrained.

It is understood that the punishment of the innocent, under the idea of retaliation, is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty ; and then it shall be preceded, first by a demand of justice, and if refused, then by a declaration of hostilities.

ARTICLE VIII.

U. States
to regulate
trade.

For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in Congress assembled, shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

ARTICLE IX.

Special
provision
for trade.

Until the pleasure of Congress be known, respecting the eighth article, all traders, citizens of the United States of America, shall have liberty to go to any of the tribes or towns of the Choctaws, to trade with them, and they shall be protected in their persons and property, and kindly treated.

ARTICLE X.

Indians to
give notice
of designs
against U.
States.

The said Indians shall give notice to the citizens of the United States of America, of any designs which they may know or suspect to be

formed in any neighbouring tribe, or by any person whosoever, against the peace, trade or interest of the United States of America.

ARTICLE XI.

The hatchet shall be forever buried, and the peace given by the United States of America, and friendship re-established between the said states on the one part, and all the Choctaw nation on the other part, shall be universal; and the contracting parties shall use their utmost endeavours to maintain the peace given as aforesaid, and friendship re-established.

Peace and
friendship
perpetual.

IN WITNESS of all and every thing herein determined, between the United States of America and all the Choctaws, we, their underwritten Commissioners, by virtue of our full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed.

DONE at Hopewell, on the Keowee, this third day of January, in the year of our Lord one thousand seven hundred and eighty-six.

Benjamin Hawkins,	(L. S.)
Andrew Pickens,	(L. S.)
Jos. Martin,	(L. S.)
Tockenahoma,	his X mark. (L. S.)
Tockehoopoie,	his X mark. (L. S.)
Mingohoopoie,	his X mark. (L. S.)
Tobocob,	his X mark. (L. S.)
Pooshemastuby,	his X mark. (L. S.)
Pooshahooma,	his X mark. (L. S.)
Tuscoonoohoopoie,	his X mark. (L. S.)
Shinshemastuby,	his X mark. (L. S.)
Tospakooma,	his X mark. (L. S.)
Stoonskeohoopoie,	his X mark. (L. S.)

<i>Tehakubbay,</i>	his X mark.	(L. s.)
<i>Pooshemastuby,</i>	his X mark.	(L. s.)
<i>Tuskkaboomoch,</i>	his X mark.	(L. s.)
<i>Tushkaboomoch,</i>	his X mark.	(L. s.)
<i>Toostenochba,</i>	his X mark.	(L. s.)
<i>Tootehooma,</i>	his X mark.	(L. s.)
<i>Toobenohoomoch,</i>	his X mark.	(L. s.)
<i>Cshcoopoooomoch,</i>	his X mark.	(L. s.)
<i>Stonakoohoopoie,</i>	his X mark.	(L. s.)
<i>Tushkobeegobta,</i>	his X mark.	(L. s.)
<i>Teshubenochloch,</i>	his X mark.	(L. s.)
<i>Pooshonaltla,</i>	his X mark.	(L. s.)
<i>Okanconnooba,</i>	his X mark.	(L. s.)
<i>Autoonachuba,</i>	his X mark.	(L. s.)
<i>Pangekooloch,</i>	his X mark.	(L. s.)
<i>Steabee,</i>	his X mark.	(L. s.)
<i>Tenetebenna,</i>	his X mark.	(L. s.)
<i>Tushkementahock;</i>	his X mark.	(L. s.)
<i>Tushtallay,</i>	his X mark.	(L. s.)
<i>Cshnaangchabba,</i>	his X mark.	(L. s.)
<i>Cunnopoie,</i>	his X mark.	(L. s.)

WITNESS : Wm. Blount, John Woods,
 Saml. Taylor, Robert Anderfon, Benj. Law-
 rance, John Pitchlynn, James Cole, Inter-
 preters.

Articles of a Treaty
BETWEEN THE
UNITED STATES OF AMERICA,
AND THE
CHICKASAWS.

ORIGINAL.

ARTICLES OF A TREATY,

Concluded at Hopewell, on the Keowee, near Seneca Old Town, between Benjamin Hawkins, Andrew Pickens, and Joseph Martin, Commissioners Plenipotentiary of the United States of America, of the one Part; and Pioningo, Head Warrior and First Minister of the Chickasaw Nation; Mingatushka, one of the leading Chiefs; and Latopoia, first beloved Man of the said Nation, Commissioners Plenipotentiary of all the Chickasaws of the other Part.

THE Commissioners Plenipotentiary of the United States of America give peace to the Chickasaw Nation, and receive them into the favour and protection of the said States, on the following conditions.

ARTICLE I.

The Commissioners Plenipotentiary of the Chickasaw nation, shall restore all the prisoners, citizens of the United States, to their entire liberty, if any there be in the Chickasaw nation. They shall also restore all the negroes, and all other property taken during the late war, from the citizens; if any there be in the

Indians to
restore pri-
soners and
property.

Chickasaw nation, to such person, and at such time and place, as the Commissioners of the United States of America shall appoint.

ARTICLE II.

Acknow-
ledge pro-
tection of
U. S.

The Commissioners Plenipotentiary of the Chickasaws, do hereby acknowledge the tribes and the towns of the Chickasaw nation, to be under the protection of the United States of America, and of no other sovereign whosoever.

ARTICLE III.

Bounda-
ries.

The boundary of the lands hereby allotted to the Chickasaw nation to live and hunt on, within the limits of the United States of America, is, and shall be the following, viz. Beginning on the ridge that divides the waters running into the Cumberland, from those running into the Tennessee, at a point in a line to be run north-east, which shall strike the Tennessee, at the mouth of Duck river; thence running westerly along the said ridge, till it shall strike the Ohio; thence down the southern banks thereof to the Mississippi; thence down the same, to the Choctaw line of Natches district; thence along the said line, or the line of the district eastwardly as far as the Chickasaws claimed, and lived and hunted on, the twenty-ninth of November, one thousand seven hundred and eighty-two. Thence the said boundary, eastwardly, shall be the lands allotted to the Choctaws and Cherokees to live and hunt on, and the lands at present in the possession of the Creeks; saving and reserving for the establishment of a trading post, a tract or parcel of land to be laid out at the lower post of the Muscle shoals, at the mouth of Ocochappo, in a circle, the diameter of which shall be five miles on the * river, which post, and the lands annexed thereto, shall

* The name of the River not in the original.

be to the use and under the government of the United States of America.

ARTICLE IV.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands hereby allotted to the Chickasaws to live and hunt on, such person shall forfeit the protection of the United States of America, and the Chickasaws may punish him or not as they please.

No citizens of U. States shall settle on Indian lands.

ARTICLE V.

If any Indian or Indians, or persons residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any citizen of the United States, or person under their protection, the tribe to which such offender or offenders may belong, or the nation, shall be bound to deliver him or them up to be punished according to the ordinances of the United States in Congress assembled: Provided, that the punishment shall not be greater, than if the robbery or murder, or other capital crime, had been committed by a citizen on a citizen.

Indians to deliver up criminals.

ARTICLE VI.

If any citizen of the United States of America, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the robbery or murder or other capital crime had been committed on a citizen of the United States of America; and the punishment shall be in presence of some of the Chickasaws, if any will attend at the time and place, and that they may have an opportunity so to do, due notice, if practicable, of such intended punishment, shall be sent to some one of the tribes.

Citizens of U. S. committing crimes against Indians to be punished.

ARTICLE VII.

Retaliation
restrained.

It is understood that the punishment of the innocent under the idea of retaliation is unjust, and shall not be practised on either side, except where there is a manifest violation of this treaty; and then it shall be preceded, first by a demand of justice, and if refused, then by a declaration of hostilities.

ARTICLE VIII.

U. States to
regulate
trade.

For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in Congress assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

ARTICLE IX.

Special
provision
for trade.

Until the pleasure of Congress be known respecting the eighth article, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Chickasaws to trade with them, and they shall be protected in their persons and property, and kindly treated.

ARTICLE X.

Indians to
give notice
of designs
against U.
States.

The said Indians shall give notice to the citizens of the United States of America, of any designs which they may know or suspect to be formed in any neighbouring tribe, or by any person whosoever, against the peace, trade or interests of the United States of America.

ARTICLE XI.

Peace and
friendship
perpetual.

The hatchet shall be forever buried, and the peace given by the United States of America, and friendship re-established between the said States on the one part, and the Chickasaw nation on the other part, shall be universal; and

the contracting parties shall use their utmost endeavours to maintain the peace given as aforefaid, and friendship re-eftablifhed.

IN WITNESS of all and every thing herein contained, between the faid States and Chickafaws, we, their under-written Commissioners, by virtue of our full powers, have figned this definitive treaty, and have caufed our feals to be hereunto affixed.

DONE at Hopewell, on the Keowee, this tenth day of January, in the Year of our Lord, one thoufand feven hundred and eighty-fix.

Benjamin Hawkins, (L. S.)

Andw. Pickens, (L. S.)

Jos. Martin, (L. S.)

Piomingo, his X mark. (L. S.)

Mingatufbka, his X mark. (L. S.)

Latopcia, his X mark. (L. S.)

Witness: Wm. Blount, Wm. Hazzard,
Sam. Taylor. James Cole, Sworn Interpreter.

Articles of a Treaty
BETWEEN THE
UNITED STATES OF AMERICA,
AND THE
CHIEFS AND WARRIORS
OF THE
SHAWANOE NATION.

ORIGINAL.

ARTICLES OF A TREATY

Concluded at the Mouth of the Great Miami, on the North-western Bank of the Ohio, the thirty-first day of January, one thousand seven hundred and eighty-six, between the Commissioners Plenipotentiary of the United States of America, of the one Part, and the Chiefs and Warriors of the Shawanoe Nation, of the other Part.

ARTICLE I.

THREE hostages shall be immediately delivered to the Commissioners, to remain in the possession of the United States until all the prisoners, white and black, taken in the late war from among the citizens of the United States, by the Shawanoe nation, or by any other Indian or Indians residing in their towns, shall be restored.

Hostages delivered till prisoners are restored,

ARTICLE II.

The Shawanoe nation do acknowledge the United States to be the sole and absolute sove-

Indians acknowledge right of

U. S. to ter-
ritory ce-
ded by
Great-
Britain.

reigns of all the territory ceded to them by a treaty of peace, made between them and the King of Great-Britain, the fourteenth day of January, one thousand seven hundred and eighty-four.

ARTICLE III.

To deliver
up crimi-
nals.

If any Indian or Indians of the Shawanoe nation, or any other Indian or Indians residing in their towns, shall commit murder or robbery on, or do any injury to the citizens of the United States, or any of them, that nation shall deliver such offender or offenders to the officer commanding the nearest post of the United States, to be punished according to the ordinances of Congress; and in like manner, any citizen of the United States, who shall do an injury to any Indian of the Shawanoe nation, or to any other Indian or Indians residing in their towns, and under their protection, shall be punished according to the laws of the United States.

ARTICLE IV.

To give
notice of
designs
against
U. States.

The Shawanoe nation having knowledge of the intention of any nation or body of Indians to make war on the citizens of the United States, or of their counselling together for that purpose, and neglecting to give information thereof to the commanding officer of the nearest post of the United States, shall be considered as parties in such war, and be punished accordingly: and the United States shall in like manner inform the Shawanoes of any injury designed against them.

ARTICLE V.

U. S. give
peace to
the Shaw-
noe Na-
tion.

The United States do grant peace to the Shawanoe nation, and do receive them into their friendship and protection.

ARTICLE VI.

The United States do allot to the Shawanoe nation, lands within their territory to live and hunt upon, beginning at the south line of the lands allotted to the Wiandots and Delaware nations, at the place where the main branch of the Great Miami, which falls into the Ohio, intersects said line; then down the river Miami, to the fork of that river, next below the old fort which was taken by the French in one thousand seven hundred and fifty-two; thence due west to the river de la Panse; then down that river to the river Wabash, beyond which lines none of the citizens of the United States shall settle, nor disturb the Shawanoes in their settlement and possessions; and the Shawanoes do relinquish to the United States, all title, or pretence of title, they ever had to the lands east, west and south, of the east, west and south lines before described.

AlLOT to
them cer-
tain lands.

ARTICLE VII.

If any citizen or citizens of the United States, shall presume to settle upon the lands allotted to the Shawanoes by this treaty, he or they shall be put out of the protection of the United States.

No citizen
of U. S. to
settle on
Indian
lands.

IN TESTIMONY whereof, the parties hereunto have affixed their hands and seals, the day and year first above-mentioned.

<i>G. Clark,</i>		(L. S.)
<i>Richard Butler,</i>		(L. S.)
<i>Saml. H. Parsons,</i>		(L. S.)
<i>Aweecony,</i>	his X mark.	(L. S.)
<i>Kakawipilathy,</i>	his X mark.	(L. S.)
<i>Malunthy,</i>	his X mark.	(L. S.)
<i>Musquauconocab,</i>	his X mark.	(L. S.)

Meanymssecab, his ✕ mark. (L. s.)
Waupaucowela, his ✕ mark. (L. s.)
Nibipecwa, his ✕ mark. (L. s.)
Nibinessicoe, his ✕ mark. (L. s.)

Attest: *Alexander Campbell*, Sec'ry Commis-
 sioners.

WITNESSES:

W. Finney, Maj. B. B.

Thos. Doyle, Capt. B. B.

Nathan M'Dowell, Ensign.

John Saffenger,

Henry Govy,

Kagy Galloway, his ✕ mark.

John Boggs,

Sam. Montgomery,

Daniel Elliot,

James Rinker,

Nathl. Smith,

Joseph Suffrein, his ✕ mark, or Kemepemo
 Shawno.

Isaac Zane, (Wiandot) his ✕ mark.

The Half King of the Wiandots, } ✕
The Crane of the Wiandots, } ✕ their marks.

Capt. Pipe, of the Delawares, his ✕ mark.

Capt. Bohongehelas, his ✕ mark.

Tetebockshieka, his ✕ mark.

The Big Cat of the Delawares, his ✕ mark.

Pierre Droullar.

T R E A T Y
O F
P E A C E A N D F R I E N D S H I P
B E T W E E N T H E
United States of America,
A N D
His Imperial Majesty
T H E
E M P E R O R O F M O R O C C O .

To all Persons to whom these Presents shall come or be made known.

WHEREAS the United States of America, in Congress assembled, by their commission bearing date the twelfth day of May, one thousand seven hundred and eighty-four, thought proper to constitute John Adams, Benjamin Franklin, and Thomas Jefferson, their Ministers Plenipotentiary, giving to them, or a majority of them, full powers to confer, treat and negotiate with the Ambassador, Minister, or Commissioner of his Majesty the Emperor of Morocco, concerning a treaty of amity and commerce ; to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in Congress assembled, for their final ratification ; and by one other commission, bearing date the eleventh day of March, one thousand seven hundred and eighty-five, did further empower the said Ministers Plenipotentiary, or a majority of them, by writing under their hands and seals, to appoint such agent in the said business as they might think proper, with authority under the directions and instructions

of the said Ministers, to commence and prosecute the said negotiations and conferences for the said treaty, provided that the said treaty should be signed by the said Ministers : And whereas we, the said John Adams and Thomas Jefferson, two of the said Ministers Plenipotentiary (the said Benjamin Franklin being absent) by writing under the hand and seal of the said John Adams at London, October the fifth, one thousand seven hundred and eighty-five, and of the said Thomas Jefferson at Paris, October the eleventh of the same year, did appoint Thomas Barclay, agent in the business aforesaid, giving him the powers therein, which, by the said second commission, we were authorized to give, and the said Thomas Barclay, in pursuance thereof, hath arranged articles for a treaty of amity and commerce between the United States of America, and his Majesty the Emperor of Morocco, which articles, written in the Arabic language, confirmed by his said Majesty the Emperor of Morocco, and sealed with his royal seal, being translated into the language of the said United States of America, together with the attestations thereto annexed, are in the following words, to wit :



In the Name of ALMIGHTY GOD.

THIS is a Treaty of Peace and Friendship established between us and the United States of America, which is confirmed, and which we have ordered to be written in this book,

and sealed with our royal seal, at our court of Morocco, on the twenty-fifth day of the blessed month of Shaban, in the year one thousand two hundred, trusting in God it will remain permanent.

ARTICLE I.

We declare that both parties have agreed that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to the Honorable Thomas Barclay, the agent of the United States, now at our court, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein.

Emperor's
consent to
the treaty

ARTICLE II.

If either of the parties shall be at war with any nation whatever, the other party shall not take a commission from the enemy, nor fight under their colours.

Neither
party shall
take com-
mission
from the
enemy of
the other.

ARTICLE III.

If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

Regulation
in case of
captures.

ARTICLE IV.

A signal or pass shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if

Signal, or
pass to be
given to
vessels.

the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

ARTICLE V.

How vessels shall be examined in time of war.

If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with two or three men only ; and if any gun shall be fired, and injury done without reason, the offending party shall make good all damages.

ARTICLE VI.

Citizens of the U. States captured, to be released.

If any Moor shall bring citizens of the United States, or their effects, to his Majesty, the citizens shall immediately be set at liberty, and the effects restored ; and in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of his Majesty, they shall be immediately released, as they will then be considered as under his Majesty's protection.

ARTICLE VII.

Vessels wanting supplies, to be furnished.

If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

ARTICLE VIII.

Provision in case of misfortune.

If any vessel of the United States shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and re-load her cargo, without paying any duty whatever.

ARTICLE IX.

If any vessel of the United States shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the United States shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquility until the commander shall think proper to proceed on his voyage.

Regulation
in case of
shipwreck,
and being
forced into
port.

ARTICLE X.

If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian powers within gun shot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible until she is in safety; and if any American vessel shall be cast on shore on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted, until, by the help of God, they shall be sent to their country.

Vessels pro-
tected in
certain
cases.

ARTICLE XI.

If we shall be at war with any Christian power, and any of our vessels sail from the ports of the United States, no vessel belonging to the enemy, shall follow until twenty-four hours after the departure of our vessels; and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

Privileges
of vessels in
case of war.

ARTICLE XII.

If any ship of war belonging to the United States shall put into any of our ports, she shall not be examined on any pretence whatever,

Ships of
war belong-
ing to U. S.
not to be
examined.

even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore on any pretext, nor require any payment for them.

Ships of
war to be
saluted.

ARTICLE XIII.

If a ship of war of either party shall put into a port of the other and salute, it shall be returned from the fort with an equal number of guns, not with more or less.

ARTICLE XIV.

Commerce
on the foot-
ing of the
most favor-
ed nation.

The commerce with the United States shall be on the same footing as is the commerce with Spain, or as that with the most favoured nation for the time being ; and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption.

ARTICLE XV.

Privileges
of mer-
chants.

Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel ; he shall not be detained in port longer than he may think proper ; and all persons employed in loading or unloading goods, or in any other labour whatever, shall be paid at the customary rates, not more and not less.

ARTICLE XVI.

In case of
war, prison-
ers not to
be enslaved,
but ex-
changed.

In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another ; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars

for each person wanting. And it is agreed that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant or any other person authorized by either of the parties.

ARTICLE XVII.

Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper ; and may buy and sell all sorts of merchandize but such as are prohibited to the other Christian nations.

Merchants may buy & sell all goods except those prohibited to other christian nations.

ARTICLE XVIII.

All goods shall be weighed and examined before they are sent on board, and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board, in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

Goods to be examined before sent on board, & not after, unless in case of fraud.

ARTICLE XIX.

No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any articles without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

Vessels not to be detained.

ARTICLE XX.

If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties, and whenever the consul shall require any aid or assistance

How disputes shall be settled.

from our government, to enforce his decisions, it shall be immediately granted to him.

ARTICLE XXI.

How

crimes shall
be punish-
ed.

If a citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial ; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever.

ARTICLE XXII.

How estates
of deceased
citizens
shall be dis-
posed of.

If an American citizen shall die in our country, and no will shall appear, the consul shall take possession of his effects ; and if there shall be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them ; but if the heir to the person deceased be present, the property shall be delivered to him without interruption ; and if a will shall appear, the property shall descend agreeable to that will, as soon as the consul shall declare the validity thereof.

ARTICLE XXIII.

Consuls &
their privi-
leges.

The consuls of the United States of America, shall reside in any sea-port of our dominions that they shall think proper ; and they shall be respected, and enjoy all the privileges which the consuls of any other nation enjoy ; and if any of the citizens of the United States shall contract any debts or engagements, the consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof, without which promise in writing, no application to him for any redress shall be made.

ARTICLE XXIV.

If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement, and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects and retire with their property. And it is further declared, that whatever indulgences, in trade or otherwise, shall be granted to any of the Christian Powers, the citizens of the United States shall be equally entitled to them.

Regulations in case of war.

ARTICLE XXV.

This treaty shall continue in full force, with the help of God, for fifty years.

Duration of treaty.

We have delivered this book into the hands of the beforementioned Thomas Barclay, on the first day of the blessed month of Ramadan, in the year one thousand two hundred.

I certify that the annexed is a true copy of the translation made by Isaac Cardoza Nunez, interpreter at Morocco, of the treaty between the Emperor of Morocco, and the United States of America.

THOMAS BARCLAY.

 ADDITIONAL ARTICLE.

Grace to the only God.

I, the under-written, the servant of God, Taher Ben Abdelkack Fennish, do certify, that His Imperial Majesty, my master, (whom

Vessels of
U. S. to be
protected,

God preserve) having concluded a treaty of peace and commerce with the United States of America, has ordered me, the better to compleat it, and in addition of the tenth article of the treaty, to declare, "That if any
" vessel belonging to the United States, shall
" be in any of the ports of his Majesty's do-
" minions, or within gun-shot of his forts,
" she shall be protected as much as possible;
" and no vessel whatever, belonging either to
" Moorish or Christian Powers, with whom
" the United States may be at war, shall be
" permitted to follow or engage her, as we
" now deem the citizens of America our good
" friends."

And, in obedience to his Majesty's commands, I certify this declaration, by putting my hand and seal to it, on the eighteenth day of Ramadan,* in the year one thousand two hundred.

*The servant of the King, my Master,
whom God preserve,*

TAHER BEN ABDELKACK FENNISH.

I do certify that the above is a true copy of the translation made at Morocco, by Isaac Cordoza Nunez, interpreter, of a declaration made and signed by Sidi Hage Taher Fennish, in addition to the treaty between the Emperor of Morocco and the United States of America, which declaration the said Taher Fennish made by the express directions of his Majesty.

THOMAS BARCLAY.

N O T E.

* The Ramadan of the year of the Hegira 1200, commenced on the 28th June, in the year of our Lord 1785.

Now, KNOW YE, That we, the said John Adams and Thomas Jefferson, Ministers Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained, reserving the same nevertheless to the United States in Congress assembled, for their final ratification.

In testimony whereof, we have signed the same with our names and seals, at the places of our respective residence, and at the dates expressed under our signatures respectively.

JOHN ADAMS, (L. s.)
London, January 25th, 1787.

THOMAS JEFFERSON, (L. s.)
Paris, January 1st, 1787.

C O N V E N T I O N
B E T W E E N
His Most Christian Majesty
A N D T H E
UNITED STATES OF AMERICA.

T R A N S L A T I O N .

C O N V E N T I O N

Between His Most Christian Majesty and the United States of America, for the Purpose of defining and establishing the Functions and Privileges of their respective Consuls and Vice-Consuls.

HIS Majesty the Most Christian King, and the United States of America, having, by the twenty-ninth article of the treaty of amity and commerce concluded between them, mutually granted the liberty of having, in their respective states and ports, consuls, vice-consuls, agents and commissaries, and being willing, in consequence thereof, to define and establish, in a reciprocal and permanent manner, the functions and privileges of consuls and vice-consuls, which they have judged it convenient to establish of preference, His Most Christian Majesty has nominated the Sieur Count of Montmorin, of St. Herent, Marechal of his Camps and Armies, Knight of his Orders and of the Golden Fleece, his Counsellor in all his Councils, Minister and Secretary of State, and of his Commandments and Finances, having the department of Foreign Affairs ; and the United States have nominated the Sieur Thomas Jefferson, citizen of the

C O N V E N T I O N

ENTRE

le Roi très Chrétien,

ET LES

ETATS UNIS DE L'AMÉRIQUE.

O R I G I N A L.

C O N V E N T I O N

Entre le Roi très Chrétien, et les États Unis de l'Amérique, à l'effet de déterminer et fixer les fonctions et prérogatives des Consuls et Vice-Consuls respectifs.

SA Majesté le Roi très Chrétien, et les États Unis de l'Amérique, s'étant accordés mutuellement par l'art. XXIX, du traité d'amitié et de commerce conclu entr'eux, la liberté de tenir dans leurs États et ports respectifs, des consuls, et vice-consuls, agens et commissaires, et voulant en conséquence déterminer et fixer d'une manière réciproque et permanente, les fonctions et prérogatives des consuls, et vice-consuls qu'ils ont jugé convenable d'établir de préférence, sa Majesté très Chrétienne a nommé le Sieur Comte de Montmorin de St. Herent, maréchal de ses camps et armées, chevalier de ses ordres et de la toison-d'or, son conseiller en tous ses conseils, ministre et secrétaire d'état et de ses commandemens et finances, aiant le département des affaires étrangères; et les États Unis ont nommé le Sieur Thomas Jefferson, citoyen des États Unis de l'Amérique, et leur ministre plénipotentiaire auprès du

United States of America, and their Minister Plenipotentiary near the King, who, after having communicated to each other their respective full powers, have agreed on what follows :

ARTICLE I.

Consuls to
present
commis-
sions, and
to be enti-
tled to an
exequatur.

The consuls and vice-consuls named by the Most Christian King and the United States, shall be bound to present their commissions according to the forms which shall be established respectively by the Most Christian King within his dominions, and by the Congress within the United States. There shall be delivered to them, without any charges, the *exequatur* necessary for the exercise of their functions ; and on exhibiting the said *exequatur*, the governors, commanders, heads of justice, bodies corporate, tribunals and other officers having authority in the ports and places of their consulates, shall cause them to enjoy immediately, and without difficulty, the pre-eminences, authority, and privileges, reciprocally granted, without exacting from the said consuls and vice-consuls any fee, under any pretext whatever.

ARTICLE II.

Privileges
of consuls.

The consuls and vice-consuls, and persons attached to their functions ; that is to say : their chancellors and secretaries, shall enjoy a full and entire immunity for their chancery, and the papers which shall be therein contained. They shall be exempt from all personal service, from soldiers' billets, militia, watch, guard, guardianship, trustee-ship, as well as from all duties, taxes, impositions and charges whatsoever, except on the estate real and personal of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals :

Roi, lesquels, après s'être communiqué leurs plein-pouvoirs respectifs sont convenûs de ce qui suit.

ARTICLE I.

Les consuls et vice-consuls nommés par le Roi très Chrétien et les États Unis seront tenûs de présenter leurs provisions selon la forme qui se trouvera établie respectivement par le Roi très Chrétien dans ses États, et par le Congrès dans les États Unis. On leur délivrera sans aucuns fraix l'*exequatur* nécessaire à l'exercice de leurs fonctions, et sur l'exhibition qu'ils feront du dit *exequatur*, les gouverneurs, commandants, chefs de justice, les corps, tribunaux ou autres officiers aiant autorité dans les ports et lieux de leurs consulats, les y feront jouir aussitôt et sans difficulté des prééminences, autorité et privilèges accordés réciproquement, sans qu'ils puissent exiger des dits consuls et vice-consuls aucun droit sous aucun prétexte quelconque.

ARTICLE II.

Les consuls et vice-consuls et les personnes attachées à leurs fonctions, savoir, leurs chanceliers et secrétaires, jouiront d'une pleine et entière immunité pour leur chancellerie et les papiers qui y seront renfermés. Ils seront exemts de tout service personnel, logement des gens de guerre, milice, guet, garde, tutelle, curatelle, ainsi que de tous droits, taxes, impositions et charges quelconques, à l'exception seulement des biens meubles et immeubles dont ils seroient propriétaires ou possesseurs, lesquels seront assujettis aux taxes imposées sur ceux de tous autres particuliers, et à tous

And in all other instances they shall be subject to the laws of the land as the natives are. Those of the said consuls and vice-consuls who shall exercise commerce, shall be respectively subject to all taxes, charges and impositions established on other merchants. They shall place over the outward door of their house, the arms of their sovereign ; but this mark of indication shall not give to the said house any privilege of asylum for any person or property whatsoever.

ARTICLE III.

Consuls
may ap-
point a-
gents.

The respective consuls and vice-consuls may establish agents in the different ports and places of their departments where necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said consuls : They shall confine themselves respectively to the rendering to their respective merchants, navigators and vessels, all possible service, and to inform the nearest consul of the wants of the said merchants, navigators and vessels, without the said agents otherwise participating in the immunities, rights and privileges attributed to consuls and vice-consuls, and without power under any pretext whatever, to exact from the said merchants any duty or emolument whatsoever.

ARTICLE IV.

Consuls
may estab-
lish a chan-
cery.

The consuls and vice-consuls respectively may establish a chancery, where shall be deposited the consular determinations, acts and proceedings, as also testaments, obligations, contracts, and other acts done by or between persons of their nation, and effects left by deceased persons, or saved from shipwreck. They may consequently appoint fit persons to act in

égards ils demeureront fujets aux loix du païs comme les nationaux. Ceux des dits consuls et vice-consuls qui feront le commerce seront respectivement affujettis à toutes les taxes, charges et impositions établies sur les autres négociants. Ils placeront sur la porte extérieure de leurs maisons les armes de leur souverain, sans que cette marque distinctive puisse donner aux dites maisons le droit d'asile, soit pour des personnes, soit pour des effets quelconques.

ARTICLE III.

Les consuls et vice-consuls respectifs pourront établir des agens dans les différens ports et lieux de leurs départemens où le besoin l'exigera ; ces agens pourront être choisis parmi les négociants nationaux ou étrangers, et munis de la commission de l'un des dits consuls. Ils se renfermeront respectivement à rendre aux commerçants, navigateurs et bâtimens respectifs, tous les services possibles, et à informer le consul le plus proche des besoins des dits commerçants, navigateurs et bâtimens, sans que les dits agens puissent autrement participer aux immunités, droits et privilèges attribués aux consuls et vice-consuls, et sans pouvoir sous aucun prétexte que ce soit, exiger aucun droit ou émolument quelconque des dits commerçants.

ARTICLE IV.

Les consuls et vice-consuls respectifs pourront établir une chancellerie où seront déposés les délibérations, actes et procédures consulaires, ainsi que les testaments, obligations, contrats, et autres actes faits par les nationaux ou entr'eux, et les effets délaissés par mort, ou sauvés des naufrages. Ils pourront en conséquence commettre à l'exercice de la dite chan-

the said chancery, receive and swear them in, commit to them the custody of the seal, and authority to seal commissions, sentences and other consular acts, and also to discharge the functions of notary and register of the consulate.

ARTICLE V.

Power and
duty of
consuls.

The consuls and vice-consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all other the acts, which the captains, masters, crews, passengers, and merchants of their nation may chuse to make there, even their testaments and other disposals by last will : And the copies of the said acts, duly authenticated by the said consuls or vice-consuls, under the seal of their consulate, shall receive faith in law, equally as their originals would, in all the tribunals of the dominions of the Most Christian King, and of the United States. They shall also have, and exclusively, in case of the absence of the testamentary executor, administrator or legal heir, the right to inventory, liquidate and proceed to the sale of the personal estate left by subjects or citizens of their nation, who shall die within the extent of their consulate ; they shall proceed therein with the assistance of two merchants of their said nation, or for want of them, of any other at their choice, and shall cause to be deposited in their chancery, the effects and papers of the said estates ; and no officer, military, judiciary, or of the police of the country, shall disturb them or interfere therein, in any manner whatsoever : but the said consuls and vice-consuls shall not deliver up the said effects, nor the proceeds thereof, to the lawful heirs, or to their order, till they shall have caused to be paid all

cellerie des personnes capables, les recevoir, leur faire prêter serment, leur donner la garde du sceau et le droit de sceller les commissions, jugements et autres actes consulaires, ainsi que d'y remplir les fonctions de notaire et greffiers du consulat.

ARTICLE V.

Les consuls et vice-consuls respectifs auront le droit exclusif de recevoir dans leur chancellerie, ou à bord des bâtimens, les déclarations et tous les autres actes que les capitaines, patrons, équipages, passagers, et négocians de leur nation voudront y passer, même leur testament et autres dispositions de dernière volonté, et les dispositions des dits actes dûment légalisées par les dits consuls ou vice-consuls, et munies du sceau de leur consulat, feront foi en justice comme le feroient les originaux dans tous les tribunaux des états du Roi très Chrétien et des Etats Unis. Ils auront aussi, et exclusivement, en cas d'absence d'exécuteur testamentaire, curateur ou héritiers légitimes, le droit de faire l'inventaire, la liquidation et de procéder à la vente des effets mobiliers de la succession des sujets ou citoyens de leur nation, qui viendront à mourir dans l'étendue de leur consulat. Ils y procéderont avec l'assistance de deux négocians de leur dite nation, ou à leur défaut, de tout autre à leur choix, et feront déposer dans leur chancellerie les effets et papiers des dites successions, sans qu'aucuns officiers militaires, de justice, ou de police du pays, puissent les y troubler, ni y intervenir de quelque manière que ce soit ; mais les dits consuls et vice-consuls ne pourront faire la délivrance des successions et de leur produit aux héritiers légitimes, ou à leurs mandataires, qu'après avoir fait acquitter toutes les dettes

debts which the deceased shall have contracted in the country ; for which purpose the creditors shall have a right to attach the said effects in their hands, as they might in those of any other individual whatever, and proceed to obtain sale of them till payment of what shall be lawfully due to them. When the debts shall not have been contracted by judgment, deed or note, the signature whereof shall be known, payment shall not be ordered but on the creditor's giving sufficient surety, resident in the country, to refund the sums he shall have unduly received, principal, interest and costs ; which surety nevertheless shall stand duly discharged, after the term of one year in time of peace, and of two in time of war, if the demand in discharge cannot be formed before the end of this term against the heirs who shall present themselves. And in order that the heirs may not be unjustly kept out of the effects of the deceased, the consuls and vice-consuls shall notify his death in some one of the gazettes published within their consulate, and that they shall retain the said effects in their hands four months to answer all demands which shall be presented ; and they shall be bound after this delay to deliver to the persons succeeding thereto, what shall be more than sufficient for the demands which shall have been formed.

ARTICLE VI.

The consuls and vice-consuls respectively shall receive the declarations, protests and reports of all captains and masters of their respective nation on account of average losses sustained at sea : and these captains and masters shall lodge in the chancery of the said consuls and vice-consuls, the acts which they may have made in other ports on account of

Consuls to
receive de-
clarations,
&c. from
captains, of
losses at sea.

que les défunts auront pû avoir contractées dans le païs; à l'effet de quoi les créanciers auront droit de saisir les dits effets dans leurs mains, de même que dans celles de tout autre individu quelconque, et en poursuivre la vente jusqu'au paiement de ce qui leur sera légitimement dû; lorsque les dettes n'auront été contractées par jugement, par acte, ou par billet dont la signature sera reconnüe, le paiement ne pourra en être ordonné qu'en fournissant par le créancier caution suffisante et domiciliée de rendre les sommes indüement perçues, principal, intérêts et fraix; lesquelles cautions cependant demeureront düement déchargées après une année, en tems de paix, et deux, en tems de guerre, si la demande en décharge ne peut être formée avant ces délais contre les héritiers qui se présenteront. Et afin de ne pas faire injustement attendre aux héritiers les effets du défunt, les consuls et vice-consuls feront annoncer sa mort dans quelque une des gazettes qui se publient dans l'étendue de leur consulat, et qu'ils retiendront les dits effets sous leurs mains pendant quatre mois pour répondre à toutes les demandes qui se présenteront: et ils feront tenûs, après ce délai, de délivrer aux héritiers, l'excédent du montant des demandes qui auront été formées.

ARTICLE VI.

Les consuls et vice-consuls respectifs recevront les déclarations, protestations et rapports de tous capitaines et patrons de leur nation respective, pour raison d'avaries essuyées à la mer, et ces capitaines et patrons remettront dans la chancellerie des dits consuls et vice-consuls les actes qu'ils auront faits dans d'autres ports pour les accidents qui leur seront

the accidents which may have happened to them on their voyage. If a subject of the Most Christian King and a citizen of the United States, or a foreigner, are interested in the said cargo, the average shall be settled by the tribunals of the country, and not by the consuls or vice-consuls ; but when only the subjects or citizens of their own nation shall be interested, the respective consuls or vice-consuls shall appoint skilful persons to settle the damages and average.

ARTICLE VII.

Power of
consuls in
cases of
shipwreck.

In cases where, by tempest or other accident, French ships or vessels shall be stranded on the coasts of the United States, and ships or vessels of the United States shall be stranded on the coasts of the dominions of the Most Christian King, the consul or vice-consul nearest to the place of shipwreck shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and the security of the effects and merchandize saved. He may take an inventory of them, without the intermeddling of any officers of the military, of the customs, of justice, or of the police of the country, otherwise than to give to the consuls, vice-consuls, captain and crew of the vessel shipwrecked or stranded, all the succour and favour which they shall ask of them, either for the expedition and security of the saving and of the effects saved, or to prevent all disturbance. And in order to prevent all kind of dispute and discussion in the said cases of shipwreck, it is agreed, that when there shall be no consul or vice-consul to attend to the saving of the wreck, or that the residence of the said consul or vice-consul (he not being

arrivés pendant leur voyage. Si un sujet du Roi très Chrétien et un habitant des Etats Unis, ou un étranger, sont intéressés dans la dite cargaison, l'avarie sera réglée par les tribunaux du pays, et non par les consuls et vice-consuls; mais lorsqu'il n'y aura d'intéressés que les sujets ou citoyens de leur propre nation, les consuls ou les vice-consuls respectifs nommeront des experts pour régler les dommages et avaries.

ARTICLE VII.

Dans le cas où, par tempête, ou autres accidents, des vaisseaux ou bâtimens Français échoueront sur les côtes des Etats Unis, et des vaisseaux et bâtimens des Etats Unis échoueront sur les côtes des Etats de sa Majesté très Chrétienne, le consul ou le vice-consul, le plus proche du lieu du naufrage, pourra faire tout ce qu'il jugera convenable, tant pour sauver le dit vaisseau ou bâtiment, son chargement et appartenances, que pour le magasinage et la sûreté des effets sauvés et marchandises. Il pourra en faire l'inventaire, sans qu'aucuns officiers militaires, des douanes, de justice ou de police du pays, puissent s'y immiscer autrement que pour faciliter aux consuls et vice-consuls, capitaine et équipage du vaisseau naufragé, ou échoué, tous les secours et faveurs qu'ils leur demanderont, soit pour la célérité, et la sûreté du sauvetage et des effets sauvés, soit pour éviter tous désordres. Pour prévenir même toute espèce de conflit et de discussion dans les dits cas de naufrage, il a été convenu que lorsqu'il ne se trouvera pas de consul ou vice-consul pour faire travailler au sauvetage, ou que la résidence du dit consul ou vice-consul, qui ne se trouvera pas sur le lieu du nau-

at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed therein, with all the dispatch, certainty and precautions prescribed by the respective laws; but the said territorial judge shall retire on the arrival of the consul or vice-consul, and shall deliver over to him the report of his proceedings, the expenses of which the consul or vice-consul shall cause to be reimbursed to him, as well as those of saving the wreck. The merchandize and effects saved shall be deposited in the nearest custom-house, or other place of safety, with the inventory thereof, which shall have been made by the consul or vice-consul, or by the judge who shall have proceeded in their absence, that the said effects and merchandize may be afterwards delivered, (after levying therefrom the costs) and without form of process, to the owners, who being furnished with an order for their delivery from the nearest consul or vice-consul, shall reclaim them by themselves, or by their order, either for the purpose of re-exporting such merchandize, in which case they shall pay no kind of duty of exportation, or for that of selling them in the country, if they be not prohibited there, and in this last case, the said merchandize, if they be damaged, shall be allowed an abatement of entrance duties, proportioned to the damage they have sustained, which shall be ascertained by the affidavits taken at the time the vessel was wrecked or struck.

ARTICLE VIII.

Power of
consuls re-
specting
vessels of

The consuls or vice-consuls shall exercise police over all the vessels of their respective nations, and shall have on board the said ves-

frage, fera plus éloignée du dit lieu que celle du juge territorial compétent, ce dernier fera procéder sur le champ avec toute la célérité, la sûreté et les précautions prescrites par les loix respectives; sauf au dit juge territorial à se retirer, le consul ou vice-consul survenant, et à lui remettre l'expédition des procédures par lui faites, dont le consul ou vice-consul lui fera rembourser les fraix, ainsi que ceux du sauvetage. Les marchandises et effets sauvés devront être déposés à la douane ou autre lieu de sûreté le plus prochain avec l'inventaire qui en aura été dressé par le consul ou vice-consul, ou en leur absence par le juge qui en aura connu, pour les dits effets et marchandises être ensuite délivrés après le prélèvement des fraix, et sans forme de procès, aux propriétaires, qui, munis de la main-levée du consul ou vice-consul le plus proche, les réclameront par eux-mêmes, ou par leurs mandataires, soit pour réexporter les marchandises, et dans ce cas elles ne paieront aucune espèce de droits de sortie, soit pour les vendre dans le pays, si elles n'y sont pas prohibées; et dans ce dernier cas, les dites marchandises se trouvant avariées, on leur accordera une modération sur les droits d'entrée proportionnée au dommage souffert, lequel sera constaté par le procès verbal dressé lors du naufrage ou de l'échoüement.

ARTICLE VIII.

Les consuls ou vice consuls exerceront la police sur tous les bâtimens de leurs nations respectives, et auront à bord des dits btâimens

their own
nation,

fels all power and jurisdiction in civil matters, in all the disputes which may there arise ; they shall have an entire inspection over the said vessels, their crew, and the changes and substitutions there to be made ; for which purpose they may go on board the said vessels whenever they may judge it necessary. Well understood that the functions hereby allowed shall be confined to the interior of the vessels, and that they shall not take place in any case which shall have any interference with the police of the ports where the said vessels shall be.

ARTICLE IX.

Power of
consuls in
regard to
deserters, &
mode of
proceeding.

The consuls and vice-consuls may cause to be arrested the captains, officers, mariners, sailors, and all other persons, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country : For which purpose, the said consuls and vice-consuls shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, that those men were part of the said crews ; and on this demand so proved (saving however where the contrary is proved) the delivery shall not be refused ; and there shall be given all aid and assistance to the said consuls and vice-consuls for the search, seizure and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense until they shall have found an opportunity of sending them back ; but if they be not sent back within three months, to be counted from the day of their arrest, they shall

tout pouvoir et juridiction en matière civile dans toutes les discussions qui pourront y survenir ; ils auront une entière inspection sur les dits bâtimens, leurs équipages et les changements et remplacements à y faire ; pour quel effet ils pourront se transporter à bord des dits bâtimens toutes les fois qu'ils le jugeront nécessaire ; bien entendu que les fonctions ci-dessus énoncées seront concentrées dans l'intérieur des bâtimens, et qu'elles ne pourront avoir lieu dans aucun cas qui aura quelque rapport avec la police des ports où les dits bâtimens se trouveront.

ARTICLE IX.

Les consuls et vice-consuls pourront faire arrêter les capitaines, officiers, mariniers, matelots et toutes autres personnes faisant partie des équipages des bâtimens de leurs nations respectives, qui auroient déserté des dits bâtimens, pour les renvoyer et faire transporter hors du pays. Auquel effet les dits consuls et vice-consuls s'adresseront aux tribunaux, juges, et officiers compétents et leur feront, par écrit, la demande des dits déserteurs, en justifiant par l'exhibition des registres du bâtiment ou rôle d'équipage, que ces hommes faisoient partie des susdits équipages. Et sur cette demande, ainsi justifiée, sauf toutefois la preuve contraire, l'extradition ne pourra être refusée ; et il sera donné toute aide et assistance aux dits consuls et vice-consuls pour la recherche, saisie et arrestation des susdits déserteurs, lesquels seront même détenus et gardés dans les prisons du pays, à leur requisition, et à leurs frais jusqu'à ce qu'ils aient trouvé occasion de les renvoyer. Mais s'ils n'étoient renvoyés dans le délai de trois mois à compter du jour de leur

be set at liberty, and shall be no more arrested for the same cause.

ARTICLE X.

Citizens amenable for crimes to the judges of the country.

In cases where the respective subjects or citizens shall have committed any crime, or breach of the peace, they shall be amenable to the judges of the country.

ARTICLE XI.

How to proceed when offenders withdraw on board their vessels.

When the said offenders shall be a part of the crew of a vessel of their nation, and shall have withdrawn themselves on board the said vessel, they may be there seized and arrested by order of the judges of the country : These shall give notice thereof to the consul or vice-consul, who may repair on board if he thinks proper : But this notification shall not in any case delay execution of the order in question. The persons arrested shall not afterwards be set at liberty until the consul or vice-consul shall have been notified thereof; and they shall be delivered to him, if he requires it, to be put again on board of the vessel on which they were arrested, or of others of their nation, and to be sent out of the country.

ARTICLE XII.

Disputes between citizens in a foreign country to be settled by consuls.

All differences and suits between the subjects of the Most Christian King, in the United States, or between the citizens of the United States, within the dominions of the Most Christian King, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences of whatever nature they be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective consuls and vice-consuls, either by a reference

arrêt, ils seront élargis, et ne pourront plus être arrêtés pour la même cause.

ARTICLE X.

Dans le cas où les sujets ou citoyens respectifs auront commis quelque crime ou infraction de la tranquillité publique, ils seront justiciables des juges du país.

ARTICLE XI.

Lorsque les dits coupables feront partie de l'équipage de l'un des bâtimens de leur nation, et se feront retirés à bord des dits navires, ils pourront y être saisis et arrêtés par l'ordre des juges territoriaux : ceux-ci en préviendront le consul ou vice-consul, lequel pourra se rendre à bord s'il le juge à propos : mais cette prévenance ne pourra en aucun cas retarder l'exécution de l'ordre dont il est question. Les personnes arrêtées ne pourront ensuite être mises en liberté, qu'après que le consul ou vice-consul en aura été prévenu, et elles lui seront remises s'il le requiert, pour être reconduites sur les bâtimens où elles auront été arrêtées, ou autres de leur nation, et être renvoyées hors du país.

ARTICLE XII.

Tous différends et procès entre les sujets du Roi très Chrétien dans les Etats Unis, ou entre les citoyens des Etats Unis dans les Etats du Roi très Chrétien, et notamment toutes les discussions relatives aux salaires et conditions des engagements des équipages des bâtimens respectifs, et tous différends de quelque nature qu'ils soient, qui pourroient s'élever entre les hommes des dits équipages, ou entre quelques uns d'eux et leurs capitaines, ou entre les capitaines de divers bâtimens nationaux, seront terminés par les consuls et vice-consuls respectifs, soit par un renvoi par devant des

to arbitrators, or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter : and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

ARTICLE XIII.

Tribuna's
to decide
commercial
affairs.

The general utility of commerce having caused to be established within the dominions of the Most Christian King, particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments ; and the Congress of the United States will provide in the manner the most conformable to its laws, for the establishment of equivalent advantages in favour of the French merchants, for the prompt dispatch and decision of affairs of the same nature.

ARTICLE XIV.

Citizens
exempted
from per-
sonal ser-
vice, in
place of
settlement.

The subjects of the Most Christian King, and the citizens of the United States, who shall prove by legal evidence, that they are of the said nations respectively, shall in consequence enjoy an exemption from all personal service in the place of their settlement.

ARTICLE XV.

If either
party grant
greater con-
sular pri-
vileges to
another na-
tion they
shall be
common to
both.

If any other nation acquires by virtue of any convention whatever, a treatment more favourable with respect to the consular pre-eminences, powers, authority and privileges, the consuls and vice-consuls of the Most Christian King, or of the United States, reciprocally shall participate therein, agreeable to the terms stipulated by the second, third and fourth articles of

arbitres, soit par un jugement sommaire, et sans frais. Aucun officier territorial, civil ou militaire ne pourra y intervenir, ou prendre une part quelconque à l'affaire, et les appels des dits jugemens consulaires seront portés devant les tribunaux de France ou des Etats Unis qui doivent en connaître.

ARTICLE XIII.

L'utilité générale du commerce aiant fait établir dans les etats du Roi très Chrétien, des tribunaux et des formes particulières pour accélérer la décision des affaires de commerce, les négocians des Etats Unis jouiront du bénéfice de ces établissemens, et le Congrès des Etats Unis pourvoira de la manière la plus conforme à ses lois, à l'établissement des avantages équivalents en faveur des négocians Français pour la prompte expédition et décision des affaires de la même nature.

ARTICLE XIV.

Les sujets du Roi très Chrétien et les citoyens des Etats Unis, qui justifieront authentiquement être du corps de la nation respective, jouiront en conséquence de l'exemption de tout service personnel dans le lieu de leur établissement.

ARTICLE XV.

Si quelque autre nation acquiert, en vertu d'une convention quelconque, un traitement plus favorable relativement aux pré-éminences, pouvoirs, autorité et privilèges consulaires, les consuls et vice-consuls du Roi très Chrétien ou des Etats Unis, réciproquement, y participeront, aux termes stipulés par les articles deux, trois et quatre, du traité d'amitié et de

the treaty of amity and commerce, concluded between the most Christian King and the United States.

ARTICLE XVI.

Duration
of this con-
vention.

The present convention shall be in full force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged on both sides within the space of one year, or sooner if possible.

In faith whereof, we, Ministers Plenipotentiary, have signed the present convention, and have thereto set the seal of our arms.

DONE at Versailles, the 14th of November, one thousand seven hundred and eighty-eight.

L. C. DE MONTMORIN, (L. S.)
THOMAS JEFFERSON, (L. S.)

commerce conclu entre le Roi très Chrétien et les Etats Unis.

ARTICLE XVI.

La présente convention aura son plein effet pendant l'espace de douze ans à compter du jour de l'échange des ratifications, lesquelles seront données en bonne forme et échangées de part et d'autre dans l'espace d'un an, ou plutôt si faire se peut.

En foi de quoi, nous, Ministres Plénipotentiaires, avons signé la présente convention, et y avons fait apposer le cachet de nos armes.

FAIT à Versailles, le 14 Novembre, mil sept cent quatre-vingt-huit.

L. C. DE MONTMORIN, (L. S.)

THOMAS JEFFERSON, (L. S.)

RECEIVED
JAN 10 1900

THE
OFFICE OF THE
SHERIFF
COUNTY OF
SHERMAN
STATE OF
NEW YORK

IN SENATE
JANUARY 10 1900

REPORT
OF THE
SHERIFF

FOR THE
YEAR
1899

A Treaty of Peace and Friendship
BETWEEN THE
UNITED STATES OF AMERICA,
AND THE
KINGS, CHIEFS AND WARRIORS
OF THE
CREEK NATION OF INDIANS.

A TREATY of PEACE and FRIENDSHIP
*Made and concluded between the President of the
United States of America, on the Part and
Behalf of the said States, and the undersigned
Kings, Chiefs and Warriors of the Creek
Nation of Indians, on the Part and Behalf of
the said Nation.*

THE parties being desirous of establishing permanent peace and friendship between the United States and the said Creek Nation, and the citizens and members thereof, and to remove the causes of war by ascertaining their limits, and making other necessary, just and friendly arrangements: The President of the United States, by Henry Knox, Secretary for the Department of War, whom he hath constituted with full powers for these purposes, by and with the advice and consent of the Senate of the United States, and the Creek Nation, by the undersigned Kings, Chiefs and Warriors, representing the said nation, have agreed to the following articles.

ARTICLE I.

There shall be perpetual peace and friendship between all the citizens of the United

Peace and
friendship
perpetual.

States of America, and all the individuals, towns and tribes of the Upper, Middle and Lower Creeks and Semanories, composing the Creek nation of Indians.

ARTICLE II.

Indians ac-
knowledge
protection
of the U. S.

The undersigned Kings, Chiefs and Warriors, for themselves and all parts of the Creek Nation within the limits of the United States, do acknowledge themselves, and the said parts of the Creek nation, to be under the protection of the United States of America, and of no other sovereign whosoever; and they also stipulate that the said Creek Nation will not hold any treaty with an individual State, or with individuals of any State.

ARTICLE III.

Prisoners to
be restored.

The Creek Nation shall deliver as soon as practicable to the commanding officer of the troops of the United States, stationed at the Rock-Landing on the Oconee river, all citizens of the United States, white inhabitants or negroes, who are now prisoners in any part of the said nation. And if any such prisoners or negroes should not be so delivered, on or before the first day of June ensuing, the governor of Georgia may empower three persons to repair to the said nation, in order to claim and receive such prisoners and negroes.

ARTICLE IV.

Boundaries.

The boundary between the citizens of the United States and the Creek Nation is, and shall be, from where the old line strikes the river Savannah; thence up the said river to a place on the most northern branch of the same, commonly called the Keowee, where a north-east line to be drawn from the top of the Ocunna mountain shall intersect; thence along the said line in a south-west direction to Tuge-

to river ; thence to the top of the Currahee mountain ; thence to the head or source of the main south branch of the Oconee river, called the Appalachee ; thence down the middle of the said main south branch and river Oconee, to its confluence with the Oakmulgee, which form the river Altamaha ; and thence down the middle of the said Altamaha to the old line on the said river, and thence along the said old line to the river St. Mary's. Boundaries.

And in order to preclude forever all disputes relatively to the head or source of the main south branch of the river Oconee, at the place where it shall be intersected by the line aforesaid, from the Currahee mountain, the same shall be ascertained by an able surveyor on the part of the United States, who shall be assisted by three old citizens of Georgia, who may be appointed by the Governor of the said state, and three old Creek chiefs, to be appointed by the said nation ; and the said surveyor, citizens and chiefs shall assemble for this purpose, on the first day of October, one thousand seven hundred and ninety-one, at the Rock Landing on the said river Oconee, and thence proceed to ascertain the said head or source of the main south branch of the said river, at the place where it shall be intersected by the line aforesaid, to be drawn from the Currahee mountain. And in order that the said boundary shall be rendered distinct and well known, it shall be marked by a line of felled trees at least twenty feet wide, and the trees chopped on each side from the said Currahee mountain, to the head or source of the said main south branch of the Oconee river, and thence down the margin of the said main south branch and river Oconee for the

distance of twenty miles, or as much farther as may be necessary to mark distinctly the said boundary. And in order to extinguish forever all claims of the Creek nation, or any part thereof, to any of the land lying to the northward and eastward of the boundary herein described, it is hereby agreed, in addition to the considerations heretofore made for the said land, that the United States will cause certain valuable Indian goods now in the state of Georgia, to be delivered to the said Creek nation; and the said United States will also cause the sum of one thousand and five hundred dollars to be paid annually to the said Creek nation. And the undersigned Kings, Chiefs and Warriors, do hereby for themselves and the whole Creek nation, their heirs and descendants, for the considerations above-mentioned, release, quit claim, relinquish and cede, all the land to the northward and eastward of the boundary herein described.

ARTICLE V.

Guarantee.

The United States solemnly guarantee to the Creek Nation, all their lands within the limits of the United States to the westward and southward of the boundary described in the preceding article,

ARTICLE VI.

No citizen
to settle on
Indian
lands,

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the Creeks lands, such person shall forfeit the protection of the United States, and the Creeks may punish him or not, as they please.

ARTICLE VII.

nor hunt
on the
game.

No citizen or inhabitant of the United States shall attempt to hunt or destroy the game on the Creek lands: Nor shall any such citizen

or inhabitant go into the Creek country, without a passport first obtained from the Governor of some one of the United States, or the officer of the troops of the United States commanding at the nearest military post on the frontiers, or such other person as the President of the United States may, from time to time, authorize to grant the same.

ARTICLE VIII.

If any Creek Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery or murder, or other capital crime, on any of the citizens or inhabitants of the United States, the Creek nation, or town, or tribe to which such offender or offenders may belong, shall be bound to deliver him or them up, to be punished according to the laws of the United States.

Indians to
deliver up
criminals.

ARTICLE IX.

If any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to the Creek nation of Indians, and shall there commit any crime upon, or trespass against the person or property of any peaceable and friendly Indian or Indians, which if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner, as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

Citizens
committing
crimes in
Indian ter-
ritory to be
punished.

ARTICLE X.

Retaliation
restrained.

In cases of violence on the persons or property of the individuals of either party, neither retaliation nor reprisal shall be committed by the other, until satisfaction shall have been demanded of the party, of which the aggressor is, and shall have been refused.

ARTICLE XI.

Indians to
give notice
of designs
against U.S.

The Creeks shall give notice to the citizens of the United States of any designs, which they may know or suspect to be formed in any neighbouring tribe, or by any person whatever, against the peace and interests of the United States.

ARTICLE XII.

United
States to
make pre-
sents to
them

That the Creek nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will from time to time furnish gratuitously the said nation with useful domestic animals and implements of husbandry. And further to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such, and so many persons to reside in said nation as they may judge proper, and not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned them by the Creeks for cultivation, for themselves and their successors in office; but they shall be precluded exercising any kind of traffic.

ARTICLE XIII.

Animo-
sities to
cease.

All animosities for past grievances shall henceforth cease; and the contracting parties will carry the foregoing treaty into full execution, with all good faith and sincerity.

ARTICLE XIV.

This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the President of the United States, with the advice and consent of the Senate of the United States. Ratification.

IN WITNESS of all and every thing herein determined, between the United States of America and the whole Creek nation, the parties have hereunto set their hands and seals, in the city of New-York, within the United States, this seventh day of August, one thousand seven hundred and ninety.

In behalf of the United States,

H. KNOX, } Secretary of War, and sole Commissioner for treating with the Creek Nation of Indians.

In behalf of themselves and the whole Creek Nation of Indians,

ALEXANDER M'GILLIVRAY, (L. s.)

Cusetahs.

Fuskatche Mico, or Birdtail King, ✕ (L. s.)

Neathlock, or Second Man, ✕ (L. s.)

Halletemaltble, or Blue Giver ✕ (L. s.)

Little Tallifsee.

Opay Mico, or the Singer, ✕ (L. s.)

Totkesbajou, or Samoniac, ✕ (L. s.)

Big Tallifsee.

Hopothé Mico, or Tallifsee King, ✕ (L. s.)

Opototache, or Long Side, ✕ (L. s.)

Tuckabatchy.

Soholeffee, or Young Second Man, ✕ (L. s.)

Ocheebajou, or Aleck Cornel, ✕ (L. s.)

Natches.

Chinabie, or the Great Natches

Warrior, ✕ (L. s.)

<i>Natsowachebee</i> , or the Great	
Natches Warrior's Brother,	X (L. S.)
<i>Thakoteebee</i> , or the Mole,	X (L. S.)
<i>Oquakabee</i> ,	X (L. S.)

Cowetas.

<i>Tuskenaah</i> , or Big Lieutenant,	X (L. S.)
<i>Homatab</i> , or Leader,	X (L. S.)
<i>Chinnabie</i> , or Matthews,	X (L. S.)
<i>Julectaulematha</i> , or Dry Pine,	X (L. S.)

Of the Broken Arrow.

<i>Chazwocky Mico</i> ,	X (L. S.)
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Coofades.

<i>Coofades Hopoy</i> , or the Measurer,	X (L. S.)
<i>Muthtee</i> , the Miser,	X (L. S.)
<i>Stimafutchkee</i> , or Good Humour,	X (L. S.)

Alabama Chief.

<i>Stilnaleeje</i> , or Disputer,	X (L. S.)
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Oakfoys.

<i>Mumagechee</i> , David Francis,	X (L. S.)
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Done in Presence of

Richard Morris, Chief Justice of the state of New-York. Richard Varick, Mayor of the city of New-York. Marinus Willet. Thomas Lee Shippen, of Pennsylvania. John Rutledge, jun. Joseph Allen Smith. Henry Izard.

Joseph ^{his} ~~X~~ Cornell, Interpreter.
mark.

ARTICLES
OF
AGREEMENT AND CONFEDERATION,
BETWEEN THE
United States of North America
AND THE
DELAWARE NATION.

ARTICLES of AGREEMENT and CONFEDERATION, made and entered into by Andrew and Thomas Lewis, Esquires, Commissioners for, and in Behalf of the United States of North-America of the one Part, and Capt. White Eyes, Capt. John Kill Buck, junior, and Capt. Pipe, Deputies and Chief Men of the Delaware Nation of the other Part.

ARTICLE I.

THAT all offences or acts of hostilities by one, or either of the contracting parties against the other, be mutually forgiven, and buried in the depth of oblivion, never more to be had in remembrance.

All offences mutually forgiven.

ARTICLE II.

That a perpetual peace and friendship shall from henceforth take place, and subsist between the contracting parties aforesaid, through all succeeding generations : and if either of the parties are engaged in a just and necessary war with any other nation or nations, that then each shall assist the other in due proportion to their abilities, till their enemies are brought to reasonable terms of accommodation : and that if either of them shall discover any hostile designs forming against the other, they

Peace and friendship perpetual.

In case of war, each party to assist the other.

shall give the earliest notice thereof, that timely measures may be taken to prevent their ill effect.

ARTICLE III.

U. S. to
have free
passage to
forts or
towns of
their ene-
mies.

And whereas the United States are engaged in a just and necessary war, in defence and support of life, liberty and independence, against the King of England and his adherents, and as said King is yet possessed of several posts and forts on the lakes and other places, the reduction of which is of great importance to the peace and security of the contracting parties, and as the most practicable way for the troops of the United States to some of the posts and forts is by passing through the country of the Delaware nation, the aforesaid deputies, on behalf of themselves and their nation, do hereby stipulate and agree to give a free passage through their country to the troops aforesaid, and the same to conduct by the nearest and best ways to the posts, forts or towns of the enemies of the United States, affording to said troops such supplies of corn, meat, horses, or whatever may be in their power for the accommodation of such troops, on the commanding officer's, &c. paying, or engaging to pay, the full value of whatever they can supply them with. And the said deputies, on the behalf of their nation, engage to join the troops of the United States aforesaid, with such a number of their best and most expert warriors as they can spare, consistent with their own safety, and act in concert with them; and for the better security of the old men, women and children of the aforesaid nation, whilst their warriors are engaged against the common enemy, it is agreed on the part of the United States, that a fort of suffi-

Such war-
riors as can
be spared,
to join the
troops of
U. States.

cient strength and capacity be built at the expense of the said States, with such assistance as it may be in the power of the said Delaware Nation to give, in the most convenient place, and advantageous situation, as shall be agreed on by the commanding officer of the troops aforesaid, with the advice and concurrence of the deputies of the aforesaid Delaware Nation, which fort shall be garrisoned by such a number of the troops of the United States, as the commanding officer can spare for the present, and hereafter by such numbers, as the wise men of the United States in council, shall think most conducive to the common good.

A fort to be built and garrisoned.

ARTICLE IV.

For the better security of the peace and friendship now entered into by the contracting parties, against all infractions of the same by the citizens of either party, to the prejudice of the other, neither party shall proceed to the infliction of punishments on the citizens of the other, otherwise than by securing the offender or offenders by imprisonment, or any other competent means, till a fair and impartial trial can be had by the judges or juries of both parties, as near as can be to the laws, customs and usages of the contracting parties and natural justice: The mode of such trials to be hereafter fixed by the wise men of the United States in Congress assembled, with the assistance of such deputies of the Delaware Nation, as may be appointed to act in concert with them in adjusting this matter to their mutual liking. And it is further agreed between the parties aforesaid, that neither shall entertain or give countenance to the enemies of the other, or protect in their respective states, criminal fugitives, servants or slaves, but the same to ap-

Neither party to inflict punishment without an impartial trial,

Nor protect criminal fugitives, &c.

prehend, and secure and deliver to the State or States, to which such enemies, criminals, servants or slaves respectively belong.

ARTICLE V.

Agent to be appointed by U.S. to trade with the Delaware nation.

Whereas the confederation entered into by the Delaware nation and the United States, renders the first dependant on the latter for all the articles of cloathing, utensils and implements of war, and it is judged not only reasonable, but indispensibly necessary, that the aforesaid Nation be supplied with such articles from time to time, as far as the United States may have it in their power, by a well-regulated trade, under the conduct of an intelligent, candid agent, with an adequate salary, one more influenced by the love of his country, and a constant attention to the duties of his department by promoting the common interest, than the sinister purposes of converting and binding all the duties of his office to his private emolument: Convinced of the necessity of such measures, the Commissioners of the United States, at the earnest solicitation of the deputies aforesaid, have engaged in behalf of the United States, that such a trade shall be afforded said nation, conducted on such principles of mutual interest as the wisdom of the United States in Congress assembled shall think most conducive to adopt for their mutual convenience.

ARTICLE VI.

U. S. guarantee to them all territorial rights as bounded by former treaties ;

Whereas the enemies of the United States have endeavoured, by every artifice in their power, to possess the Indians in general with an opinion, that it is the design of the States aforesaid, to extirpate the Indians and take possession of their country: to obviate such false suggestion, the United States do engage to guarantee to the aforesaid nation of Delawares,

and their heirs, all their territorial rights in the fullest and most ample manner, as it hath been bounded by former treaties, as long as they the said Delaware nation shall abide by, and hold fast the chain of friendship now entered into. And it is further agreed on between the contracting parties (should it for the future be found conducive for the mutual interest of both parties) to invite any other tribes who have been friends to the interest of the United States, to join the present confederation, and to form a state whereof the Delaware nation shall be the head, and have a representation in Congress: Provided, nothing contained in this article to be considered as conclusive until it meets with the approbation of Congress. And it is also the intent and meaning of this article, that no protection or countenance shall be afforded to any who are at present our enemies, by which they might escape the punishment they deserve.

and to have
a representation in
Congress
on certain
conditions,

IN WITNESS *whereof, the Parties have hereunto interchangeably set their Hands and Seals at Fort-Pitt, September seventeenth, Anno Domini one thousand seven hundred and seventy-eight.*

<i>Andrew Lewis,</i>	(L. s.)
<i>Thomas Lewis,</i>	(L. s.)
<i>White Eyes,</i>	his X mark. (L. s.)
<i>The Pipe,</i>	his X mark. (L. s.)
<i>John Kill Buck,</i>	his X mark. (L. s.)

IN PRESENCE OF

Lachn. M'Intosh, B. General, commander the western department. Daniel Brodhead, Col. 8th Pennsylvania regiment. W. Crawford, Col. John Campbell. John Stephenson.

John Gibfon, Col. 13th Virginia regiment.
A. Graham, Brigade Major. Lachn. M'Intosh, jun. Major Brigade. Benjamin Mills.
Joseph L. Finley, Capt. 8th Pennsylvania regiment. John Finley, Capt. 8th Pennsylvania regiment.

Articles of a Treaty
BETWEEN THE
UNITED STATES OF AMERICA,
AND THE
SACHEMS AND WARRIORS
OF THE

*Wyandot, Delaware, Ottawa, Chippewa, Pat-
tawatima and Sac Nations.*

ARTICLES OF A TREATY

Made at Fort Harmar, between Arthur St. Clair, Governor of the Territory of the United States North-West of the River Ohio, and Commissioner Plenipotentiary of the United States of America, for removing all Causes of Controversy, regulating Trade, and settling Boundaries, with the Indian Nations in the Northern Department, of the one Part ; and the Sachems and Warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pattawatima and Sac Nations, on the other Part.

ARTICLE I.

WHEREAS the United States in Congress assembled, did, by their Commissioners George Rogers Clark, Richard Butler, and Arthur Lee, Esquires, duly appointed for that purpose, at a treaty holden with the Wyandot, Delaware, Ottawa and Chippewa nations, at Fort M'Intosh, on the twenty-first day of January, in the year of our Lord one thousand seven hundred and eighty-five, conclude a peace with the Wyandots, Delawares, Ottawas and Chippewas, and take

Two persons, as hostages, to be retained by U. S. until certain prisoners are restored.

them into their friendship and protection: And whereas at the said treaty it was stipulated that all prisoners that had been made by those nations, or either of them, should be delivered up to the United States. And whereas the said nations have now agreed to and with the aforesaid Arthur St. Clair, to renew and confirm all the engagements they had made with the United States of America, at the before mentioned treaty, except so far as are altered by these presents. And there are now in the possession of some individuals of these nations, certain prisoners, who have been taken by others not in peace with the said United States, or in violation of the treaties subsisting between the United States and them; the said nations agree to deliver up all the prisoners now in their hands (by what means soever they may have come into their possession) to the said Governor St. Clair, at Fort Harmar, or in his absence, to the officer commanding there, as soon as conveniently may be; and for the true performance of this agreement, they do now agree to deliver into his hands, two persons of the Wyandot Nation, to be retained in the hands of the United States as hostages, until the said prisoners are restored; after which they shall be sent back to their nation.

ARTICLE II.

Boundary line, formerly fixed, renewed & confirmed;

And whereas at the before mentioned treaty it was agreed between the United States and said nations, that a boundary line should be fixed between the lands of those nations and the territory of the United States; which boundary is as follows, *viz.*—Beginning at the mouth of Cayahoga river, and running thence up the said river to the portage between that and the Tuscarawa branch of Muskingum,

then down the said branch to the forks at the crossing-place above fort Lawrence, thence westerly to the portage on that branch of the Big Miami river which runs into the Ohio, at the mouth of which branch the fort stood which was taken by the French in the year of our Lord one thousand seven hundred and fifty-two, then along the said portage to the Great Miami or Omie river, and down the south-east side of the same to its mouth; thence along the southern shore of Lake Erie to the mouth of Cayahoga, where it began. And the said Wyandot, Delaware, Ottawa and Chippewa Nations, for and in consideration of the peace then granted to them by the said United States, and the presents they then received, as well as of a quantity of goods to the value of six thousand dollars, now delivered to them by the said Arthur St. Clair, the receipt whereof they do hereby acknowledge, do by these presents renew and confirm the said boundary line; to the end that the same may remain as a division line between the lands of the United States of America, and the lands of said nations, forever. And the undersigned Indians do hereby in their own names, and the names of their respective nations and tribes, their heirs and descendants, for the consideration above-mentioned, release, quit claim, relinquish and cede to the said United States, all the land east, south and west of the lines above described, so far as the said Indians formerly claimed the same; for them the said United States to have and to hold the same in true and absolute propriety forever.

and lands
ceded to
the U. S.

ARTICLE III.

The United States of America do by these presents relinquish and quit claim to the said

U. S. quit
claim to
cer am
lands; but
Indians not
to be at li
ber ty to
dispose of
them to
an- sove-
reign pow
er, &c ex-
cept to the
U. S.

nations respectively, all the lands lying between the limits above described, for them the said Indians to live and hunt upon, and otherwise to occupy as they shall see fit: But the said nations, or either of them, shall not be at liberty to sell or dispose of the same, or any part thereof, to any sovereign power, except the United States; nor to the subjects or citizens of any other sovereign power, nor to the subjects or citizens of the United States.

ARTICLE IV.

Indians at
liberty to
hunt in
territory
ceded to
U. S.

It is agreed between the said United States and the said nations, that the individuals of said nations shall be at liberty to hunt within the territory ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury or annoyance to any of the subjects or citizens of the said United States.

ARTICLE V.

Individuals
of one par
ty commit-
ting mur-
der or rob-
bery on the
other, to be
delivered
up for tria.

It is agreed that if any Indian or Indians of the nations before mentioned, shall commit a murder or robbery on any of the citizens of the United States, the nation or tribe to which the offender belongs, on complaint being made, shall deliver up the person or persons complained of, at the nearest post of the United States; to the end, that he or they may be tried, and if found guilty, punished according to the laws established in the territory of the United States north-west of the river Ohio, for the punishment of such offences, if the same shall have been committed within the said territory; or according to the laws of the State where the offence may have been committed, if the same has happened in any of the United States. In like manner, if any subject or citizen of the

United States shall commit murder or robbery on any Indian or Indians of the said nations, upon complaint being made thereof, he or they shall be arrested, tried and punished agreeable to the laws of the state or of the territory wherein the offence was committed ; that nothing may interrupt the peace and harmony now established between the United States and said nations.

ARTICLE VI.

And whereas the practice of stealing horses has prevailed very much, to the great disquiet of the citizens of the United States, and if persisted in, cannot fail to involve both the United States of America and the Indians in endless animosity, it is agreed that it shall be put an entire stop to on both sides ; nevertheless, should some individuals, in defiance of this agreement, and of the laws provided against such offences, continue to make depredations of that nature, the person convicted thereof shall be punished with the utmost severity the laws of the respective states, or territory of the United States north-west of the Ohio, where the offence may have been committed, will admit of: And all horses so stolen, either by the Indians from the citizens or subjects of the United States, or by the citizens or subjects of the United States from any of the Indian nations, may be reclaimed, into whose possession soever they may have passed, and, upon due proof, shall be restored ; any sales in market ouvert, notwithstanding. And the civil magistrates in the United States respectively, and in the territory of the United States north-west of the Ohio, shall give all necessary aid and protection to Indians claiming such stolen horses.

Persons to be severely punished for stealing horses ; which are to be reclaimed by the party to whom they belong.

ARTICLE VII.

Trade to
be opened
with the
Indians;
& protec-
tion afford-
ed to those
licensed to
reside
among
them.

Trade shall be opened with the said nations, and they do hereby respectively engage to afford protection to the persons and property of such as may be duly licensed to reside among them for the purposes of trade, and to their agents, factors and servants; but no person shall be permitted to reside at their towns, or at their hunting camps, as a trader, who is not furnished with a licence for that purpose, under the hand and seal of the Governor of the territory of the United States north-west of the Ohio, for the time being, or under the hand and seal of one of his deputies for the management of Indian affairs; to the end that they may not be imposed upon in their traffic. And if any person or persons shall intrude themselves without such licence, they promise to apprehend him or them, and to bring them to the said Governor, or one of his deputies, for the purpose before mentioned, to be dealt with according to law: And that they may be defended against persons who might attempt to forge such licences, they further engage to give information to the said Governor, or one of his deputies, of the names of all traders residing among them from time to time, and at least once in every year.

Persons in-
truding
without li-
cense, to be
apprehend-
ed & deli-
vered up.

ARTICLE VIII.

Immediate
notice to be
given of
War or
harm
known to
be medita-
ting against
either party.

Should any nation of Indians meditate a war against the United States, or either of them, and the same shall come to the knowledge of the before mentioned nations, or either of them, they do hereby engage to give immediate notice thereof to the Governor, or in his absence to the officer commanding the troops of the United States at the nearest post. And should any nation with hostile intentions

against the United States, or either of them, attempt to pass through their country, they will endeavour to prevent the same, and in like manner give information of such attempt to the said Governor or commanding officer, as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States: In like manner the United States shall give notice to the said Indian nations, of any harm that may be meditated against them, or either of them, that shall come to their knowledge; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

ARTICLE IX.

If any person or persons, citizens or subjects of the United States, or any other person not being an Indian, shall presume to settle upon the lands confirmed to the said nations, he and they shall be out of the protection of the United States; and the said nations may punish him or them in such manner as they see fit.

Persons to be out of the protection of the U. S. if they settle on the lands of the Indians.

ARTICLE X.

The United States renew the reservations heretofore made in the before mentioned treaty at Fort M'Intosh, for the establishment of trading posts, in manner and form following; that is to say: Six miles square at the mouth of the Miami or Omie river; six miles square at the portage upon that branch of the Miami which runs into the Ohio; six miles square upon the lake Sandusky where the fort formerly stood; and two miles square upon each side the Lower Rapids on Sandusky river, which posts, and the lands annexed to them, shall be for the use and under the government of the United States.

Reservation of lands by the U. S. for trading posts.

ARTICLE XI.

The post at
Detroit, &c.
reserved.

The post at Detroit, with a district of land beginning at the mouth of the river Rosine, at the west end of lake Erie, and running up the southern bank of said river six miles; thence northerly, and always six miles west of the strait, until it strikes the lake St. Clair, shall be reserved for the use of the United States.

ARTICLE XII.

The post at
Micheli-
mackinac,
&c. re-
served.

In like manner the post at Michelimackinac, with its dependencies, and twelve miles square about the same, shall be reserved to the sole use of the United States.

ARTICLE XIII.

Peace and
friendship
renewed &
confirmed

The United States of America do hereby renew and confirm the peace and friendship entered into with the said nations, at the treaty before mentioned, held at Fort McIntosh; and the said nations again acknowledge themselves, and all their tribes, to be under the protection of the said United States, and no other power whatever.

ARTICLE XIV.

The na-
tions of
Pattiwati-
mas & Sacs
received in-
to protec-
tion of U.S.

The United States of America do also receive into their friendship and protection, the nations of the Pattiwatimas and Sacs; and do hereby establish a league of peace and amity between them respectively; and all the articles of this treaty, so far as they apply to these nations, are to be considered as made and concluded in all, and every part, expressly with them and each of them.

ARTICLE XV.

Boundary
line further
explained.

And whereas in describing the boundary before mentioned, the words, if strictly construed, would carry it from the portage on that branch of the Miami, which runs into the

Ohio, over to the river Au Glaize; which was neither the intention of the Indians, nor of the Commissioners; it is hereby declared, that the line shall run from the said portage directly to the first fork of the Miami river, which is to the southward and eastward of the Miami village, thence down the main branch of the Miami river to the said village, and thence down that river to Lake Erie, and along the margin of the lake to the place of beginning.

DONE at Fort Harmar, on the Muskingum, this ninth Day of January, in the Year of our Lord one thousand seven hundred and eighty-nine. In Witness whereof, the Parties have hereunto interchangeably set their Hands and Seals.

	<i>Ar. St. Clair,</i>	<i>(L. s.)</i>
	<i>Peoutewatamie,</i>	<i>(L. s.)</i>
	<i>Konatikina,</i>	<i>(L. s.)</i>
Sacs.	{ <i>Tepakee,</i>	<i>(L. s.)</i>
	{ <i>Keshbeywa,</i>	<i>(L. s.)</i>
Chipeways.	{ <i>Mesafs,</i>	<i>(L. s.)</i>
	{ <i>Pausbquash,</i>	<i>(L. s.)</i>
	{ <i>Parwasicko,</i>	<i>(L. s.)</i>
Ottawas.	{ <i>Wewiskia,</i>	<i>(L. s.)</i>
	{ <i>Neagey,</i>	<i>(L. s.)</i>
Peoutewatamies.	{ <i>Windigo,</i>	<i>(L. s.)</i>
	{ <i>Wapaskea,</i>	<i>(L. s.)</i>
	{ <i>Nequea,</i>	<i>(L. s.)</i>
Delawares.	{ <i>Captain Pipe,</i>	<i>(L. s.)</i>
	{ <i>Wingenond,</i>	<i>(L. s.)</i>
	{ <i>Pekelan,</i>	<i>(L. s.)</i>
	{ <i>Teatarway,</i>	<i>(L. s.)</i>
Chipeways.	{ <i>Kanamakeak,</i>	<i>(L. s.)</i>
	{ <i>Wetenasa,</i>	<i>(L. s.)</i>
	{ <i>Soskenc,</i>	<i>(L. s.)</i>
	{ <i>Pewanakum,</i>	<i>(L. s.)</i>

Wyandots.	{	Teyandat 'on 'Tee,	(L. S.)
		Cheyawwe,	(L. S.)
		Doueyenteat,	(L. S.)
		Tarke,	(L. S.)
		Terbataw,	(L. S.)
		Datafay,	(L. S.)
		Maudoronk,	(L. S.)
		Skahomat,	(L. S.)

In Presence of

Jos. Harmar, Lt. Col. Comt. 1st U. S. Regt. and Brigr. Genl. by Brevet. Richard Butler. Jno. Gibson. Will. Mc. Curdey, Capt. E. Denny, Enf. 1st U. S. Regt. A. Hartshorn, Enf. Robt. Thompson, Enf. 1st U. S. Regt. Frans. Luse, Enf. J. Williams, jun. Wm. Wilfon. Joseph Nicholas. James Rinken.

Be it remembered, That the Wyandots have laid claim to the lands that were granted to the Shawanese, at the treaty held at the Miami, and have declared, that as the Shawanese have been so restless, and caused so much trouble, both to them and to the United States, if they will not now be at peace, they will dispossess them, and take the country into their own hands; for that the country is theirs of right, and the Shawanese are only living upon it by their permission. They further lay claim to all the country west of the Miami boundary, from the village to the lake Eric, and declare that it is now under their management and direction.

Separate Article.

Two Wyandot villages, within the reservations, not to be disturbed.

Whereas the Wyandots have represented, that within the reservation from the river Rosine along the Strait, they have two villages from which they cannot with any convenience remove; it is agreed, that they shall remain in possession of the same, and shall not be in any manner disturbed therein.

A T R E A T Y

O F

PEACE AND FRIENDSHIP

BETWEEN THE

President of the United States of America,

AND THE

CHIEFS AND WARRIORS

OF THE

CHEROKEE NATION OF INDIANS.

*A TREATY of PEACE and FRIENDSHIP
made and concluded between the President of
the United States of America, on the Part
and Behalf of the said States, and the under-
signed Chiefs and Warriors of the Cherokee
Nation of Indians, on the Part and Behalf
of the said Nation.*

THE parties being desirous of establishing permanent peace and friendship between the United States and the said Cherokee Nation, and the citizens and members thereof, and to remove the causes of war, by ascertaining their limits and making other necessary, just and friendly arrangements: The President of the United States, by William Blount, Governor of the territory of the United States of America, south of the river Ohio, and Superintendent of Indian affairs for the southern district, who is vested with full powers for these purposes, by and with the advice and consent of the Senate of the United States: And the Cherokee Nation, by the undersigned Chiefs and Warriors representing the said nation, have agreed to the following articles, namely:

ARTICLE I.

Peace and
friendship
perpetual.

There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the whole Cherokee nation of Indians.

ARTICLE II.

Indians ac-
knowledge
protection
of U. S.

The undersigned Chiefs and Warriors, for themselves and all parts of the Cherokee nation, do acknowledge themselves and the said Cherokee nation, to be under the protection of the United States of America, and of no other sovereign whosoever ; and they also stipulate that the said Cherokee nation will not hold any treaty with any foreign power, individual state, or with individuals of any state.

ARTICLE III.

Prisoners
to be re-
stored.

The Cherokee nation shall deliver to the Governor of the territory of the United States of America, south of the river Ohio, on or before the first day of April next, at this place, all persons who are now prisoners, captured by them from any part of the United States : And the United States shall on or before the same day, and at the same place, restore to the Cherokees, all the prisoners now in captivity, which the citizens of the United States have captured from them.

ARTICLE IV.

Bounda-
ries.

The boundary between the citizens of the United States and the Cherokee nation, is and shall be as follows : Beginning at the top of the Currahee mountain, where the Creek line passes it ; thence a direct line to Tugelo river ; thence north east to the Occunna mountain, and over the same along the South-Carolina Indian boundary to the North-Carolina boundary ; thence north to a point from

which a line is to be extended to the river Clinch, that shall pass the Holston at the ridge which divides the waters running into Little River from those running into the Tennessee; thence up the river Clinch to Campbell's line, and along the same to the top of Cumberland mountain; thence a direct line to the Cumberland river where the Kentucky road crosses it; thence down the Cumberland river to a point from which a south west line will strike the ridge which divides the waters of Cumberland from those of Duck river, forty miles above Nashville; thence down the said ridge to a point from whence a south west line will strike the mouth of Duck river. Boundaries.

And in order to preclude forever all disputes relative to the said boundary, the same shall be ascertained, and marked plainly by three persons appointed on the part of the United States, and three Cherokees on the part of their nation.

And in order to extinguish forever all claims of the Cherokee nation, or any part thereof, to any of the land lying to the right of the line above described, beginning as aforesaid at the Currahee mountain, it is hereby agreed, that in addition to the consideration heretofore made for the said land, the United States will cause certain valuable goods, to be immediately delivered to the undersigned Chiefs and Warriors, for the use of their nation; and the said United States will also cause the sum of one thousand dollars to be paid annually to the said Cherokee nation. And the undersigned Chiefs and Warriors, do hereby for themselves and the whole Cherokee nation, their heirs and descendants, for the considerations above-mentioned, *release, quit-claim, re-*

linguish and *cede*, all the land to the right of the line described, and beginning as aforesaid.

ARTICLE V.

Stipulation
for a road.

It is stipulated and agreed, that the citizens and inhabitants of the United States, shall have a free and unmolested use of a road from Washington district to Miro district, and of the navigation of the Tennessee river.

ARTICLE VI.

U. States
to regulate
trade.

It is agreed on the part of the Cherokees, that the United States shall have the sole and exclusive right of regulating their trade.

ARTICLE VII.

Guarantee.

The United States solemnly guarantee to the Cherokee nation, all their lands not hereby ceded.

ARTICLE VIII.

No citizen
to settle
on Indian
lands.

If any citizen of the United States, or other person not being an Indian, shall settle on any of the Cherokee's lands, such person shall forfeit the protection of the United States, and the Cherokees may punish him or not, as they please.

ARTICLE IX.

Nor hunt
on the same.

No citizen or inhabitant of the United States, shall attempt to hunt or destroy the game on the lands of the Cherokees; nor shall any citizen or inhabitant go into the Cherokee country, without a passport first obtained from the Governor of some one of the United States, or territorial districts, or such other person as the President of the United States may from time to time authorize to grant the same.

ARTICLE X.

Indians to
deliver up
criminals.

If any Cherokee Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall steal a horse from,

or commit a robbery or murder, or other capital crime, on any citizens or inhabitants of the United States, the Cherokee nation shall be bound to deliver him or them up, to be punished according to the laws of the United States.

ARTICLE XI.

If any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to the Cherokees, and shall there commit any crime upon, or trespass against the person or property of any peaceable and friendly Indian or Indians, which if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders, shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

Citizens of U. S. committing crimes in Indian territory to be punished.

ARTICLE XII.

In case of violence on the persons or property of the individuals of either party, neither retaliation or reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is, and shall have been refused.

Retaliation restrained.

ARTICLE XIII.

The Cherokees shall give notice to the citizens of the United States, of any designs which they may know, or suspect to be formed in any neighbouring tribe, or by any person

Cherokees to give notice of designs against U. States.

whatever, against the peace and interest of the United States.

ARTICLE XIV.

U. States to
make pre-
sents.

That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will from time to time furnish gratuitously the said nation with useful implements of husbandry, and further to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such, and so many persons to reside in said nation as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned by the Cherokees for cultivation for themselves and their successors in office; but they shall be precluded exercising any kind of traffic.

ARTICLE XV.

Animosi-
ties to cease.

All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity.

ARTICLE XVI.

Ratifica-
tion.

This treaty shall take effect and be obligatory on the contracting parties, as soon as the same shall have been ratified by the President of the United States, with the advice and consent of the Senate of the United States.

IN WITNESS of all and every thing herein determined between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals, at the Treaty Ground on the bank of the Holston, near the mouth of the French Broad, within

the United States, this second day of July, in the year of our Lord, one thousand seven hundred and ninety-one.

WILLIAM BLOUNT, (L. S.)

Governor in and over the Territory of the United States of America, south of the River Ohio, and Superintendant of Indian Affairs for the Southern District.

Chuleoah, † or the Boots,	L. S.
Squollecuttah, † or Hanging Maw,	L. S.
Occunna, † or the Badger,	L. S.
Enoleh, † or Black Fox,	L. S.
Nontuaka, † or the Northward.	L. S.
Tekakiska, †	L. S.
Chutloh, † or King Fisher,	L. S.
Tuckaseh, † or Tarrapin,	L. S.
Kateh, †	L. S.
Kunnochatutloh, † or the Crane,	L. S.
Cauquillehanah, † or the Thigh,	L. S.
Chefquotteloneh, † or Yellow Bird,	L. S.
Chickasawtehe, † or Chickasaw Killer,	L. S.
Tuskegatehe, † Tuskega Killer,	L. S.
Kulfatehe, †	L. S.
Tinkshalene, †	L. S.
Sawutteh, † or Slave Catcher,	L. S.
Aukuah, †	L. S.
Oofenaleh, †	L. S.
Kenotetah, † or Rising Fawn,	L. S.
Kanetetoka, † or Standing Turkey,	L. S.
Yonewatleh, † or Bear at home,	L. S.
Long Will, †	L. S.
Kunoskeskie, † or John Watts,	L. S.
Nenetooyah, † or Bloody Fellow,	L. S.
Chuquilatague, † or Double-Head,	L. S.
Koolaquah, † or Pig Acorn,	L. S.
Toowayelloh, † or Bold Hunter,	L. S.
Jahle-onoyehka, † or Middle Striker,	L. S.

Kinnesah, † or Cabin,	L. S.
Tullotehe, † or Two Killer,	L. S.
Koulouske, † or Stopt Still,	L. S.
Kulfatehe, †	L. S.
Auquotague, † the Little Turkey's Son,	L. S.
Talohteske, † or Upsetter,	L. S.
Cheakoneske, † or Otter Lifter,	L. S.
Keshukaune, † or She Reigns,	L. S.
Toonaunailoh, †	L. S.
Teefteke, † or Common Disturber,	L. S.
Robin M'Clemore,	L. S.
Skyuka,	L. S.
John Thompson, <i>Interpreter.</i>	
James Cery, <i>Interpreter.</i>	

DONE IN PRESENCE OF

Daniel Smith, *Secretary of the Territory of
the United States, south of the River Ohio.*

Thomas Kennedy, of Kentucky.

James Robertson, of Mero District.

Claiborne Watkins, of Virginia.

Jno. M'Whitney, of Georgia.

Fauche, of Georgia.

Titus Ogden, North-Carolina.

John Chisolm, of Washington District.

Robert King.

Thomas Gegg.

Articles of a Treaty
BETWEEN THE
UNITED STATES OF AMERICA,
AND THE
CHEROKEE INDIANS.

WHEREAS the treaty made and concluded on Holston river, on the second day of July, one thousand seven hundred and ninety-one, between the United States of America and the Cherokee nation of Indians, has not been fully carried into execution by reason of some misunderstandings which have arisen.

ARTICLE I.

And whereas the undersigned Henry Knox, Secretary for the department of War, being authorized thereto by the President of the United States, in behalf of the said United States, and the undersigned Chiefs and Warriors, in their own names, and in behalf of the whole Cherokee nation, are desirous of re-establishing peace and friendship between the said parties in a permanent manner, Do hereby declare, that the said treaty of Holston is, to all intents and purposes, in full force and binding upon the said parties, as well in respect to the boundaries therein mentioned as in all other respects whatever.

Treaty of
Holston
binding.

ARTICLE II.

It is hereby stipulated that the boundaries mentioned in the fourth article of the said treaty, shall be actually ascertained and marked in the manner prescribed by the said article, whenever the Cherokee nation shall have nine-

Boundaries
to be
marked.

ty days notice of the time and place at which the commissioners of the United States intend to commence their operation.

ARTICLE III.

Annual allowance of goods.

The United States, to evince their justice by amply compensating the said Cherooke nation of Indians for all relinquishments of land made either by the treaty of Hopewell upon the Keowee river, concluded on the twenty-eighth of November, one thousand seven hundred and eighty five, or the aforesaid treaty made upon Holston river, on the second of July, one thousand seven hundred and ninety-one, do hereby stipulate, in lieu of all former sums to be paid annually to furnish the Cherokee Indians with goods suitable for their use, to the amount of five thousand dollars yearly.

ARTICLE IV.

For every horse stolen a sum to be deducted from the annuity.

And the said Cherokee nation, in order to evince the sincerity of their intentions in future, to prevent the practice of stealing horses, attended with the most pernicious consequences to the lives and peace of both parties, do hereby agree, that for every horse which shall be stolen from the white inhabitants by any Cherokee Indians, and not returned within three months, that the sum of fifty dollars shall be deducted from the said annuity of five thousand dollars.

ARTICLE V.

These articles in addition to treaty of Holston.

The articles now stipulated will be considered as permanent additions to the treaty of Holston, as soon as they shall have been ratified by the President of the United States and the Senate of the United States.

IN WITNESS of all and every thing herein determined between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals in the city of Philadelphia, within the United States, this twenty-sixth day of June, in the year of our Lord one thousand seven hundred and ninety-four.

H. KNOX, Secretary of War. (L. s.)

Tekakifsee, x or

Taken out of the Water. (L. s.)

Nontuaka, x or the Northward. (L. s.)

Cinasaw, L or the Cabin. (L. s.)

Skyuka. (L. s.)

Chuquilatague, D H or Double Head. (L. s.)

John M'Cleemore. x (L. s.)

Walalue, J or the Humming Bird. (L. s.)

Ghuleowee. o (L. s.)

Ustanaqua. x (L. s.)

Kullufathec. (L. s.)

Siteaba. x (L. s.)

Keenaguna, x or the Lying Fawn. (L. s.)

Ghatakaelefa, G or the Fowl Carrier. (L. s.)

Done in the Presence of

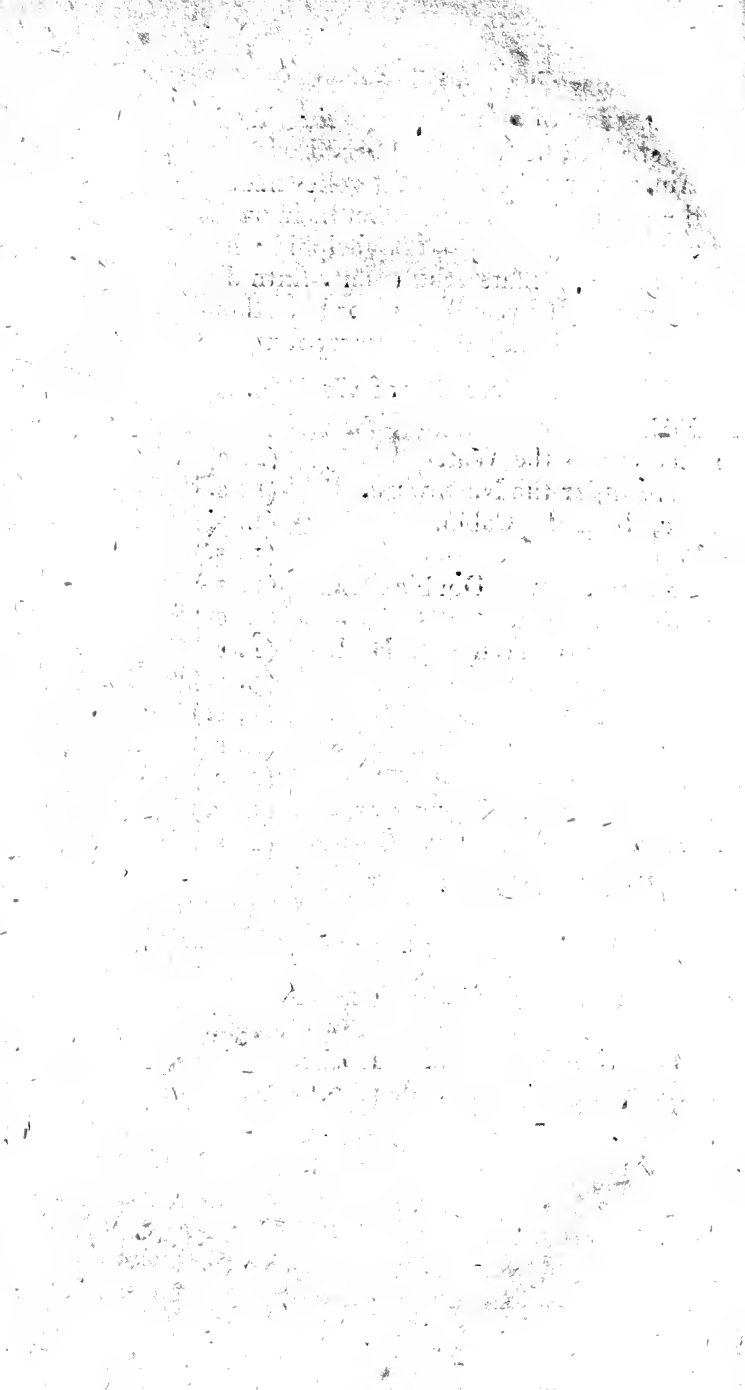
John Thompson, }
Arthur Coodey, } Interpreters.

Cantwell Jones, of Delaware.

William Wafford, of the state of Georgia.

W. M'Caleb, of South-Carolina.

Samuel Lewis, of Philadelphia.



A T R E A T Y
BETWEEN THE
UNITED STATES OF AMERICA,
AND THE
T R I B E S O F I N D I A N S
CALLED THE
SIX NATIONS.

THE President of the United States having determined to hold a conference with the Six Nations of Indians, for the purpose of removing from their minds all causes of complaint, and establishing a firm and permanent friendship with them; and Timothy Pickering being appointed sole agent for that purpose; and the agent having met and conferred with the Sachems, Chiefs and Warriors of the Six Nations, in a general council : Now, in order to accomplish the good design of this conference, the parties have agreed on the following articles; which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the Six Nations.

ARTICLE I.

Peace and friendship are hereby firmly established, and shall be perpetual, between the United States and the Six Nations.

Peace and
friendship
perpetual.

ARTICLE II.

The United States acknowledge the lands reserved to the Oneida, Onondaga and Cayuga Nations, in their respective treaties with the state of New-York, and called their reservations, to be their property; and the United

Certain
lands se-
cured to
Indians.

States will never claim the same, nor disturb them or either of the Six Nations, nor their Indian friends residing thereon and united with them, in the free use and enjoyment thereof : but the said reservations shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

ARTICLE III.

Boundary
of lands
belonging
to Seneca
Nation.

The land of the Seneca nation is bounded as follows : Beginning on Lake Ontario, at the north-west corner of the land they sold to Oliver Phelps, the line runs westerly along the lake, as far as O-yōng-wong-yeh Creek, at Johnson's Landing-place, about four miles eastward from the fort of Niagara ; then southerly up that creek to its main fork, then straight to the main fork of Stedman's creek, which empties into the river Niagara, above fort Schlosser, and then onward, from that fork, continuing the same straight course, to that river ; (this line, from the mouth of O-yōng-wong-yeh Creek to the river Niagara, above fort Schlosser, being the eastern boundary of a strip of land, extending from the same line to Niagara river, which the Seneca nation ceded to the King of Great-Britain, at a treaty held about thirty years ago, with Sir William Johnson ;) then the line runs along the river Niagara to Lake Erie ; then along Lake Erie to the north-east corner of a triangular piece of land which the United States conveyed to the state of Pennsylvania, as by the President's patent, dated the third day of March, 1792 ; then due south to the northern boundary of that state ; then due east to the south-west corner of the land sold by the Seneca nation to Oliver Phelps ; and then north

and northerly, along Phelps's line, to the place of beginning on Lake Ontario. Now, the United States acknowledge all the land within the aforementioned boundaries, to be the property of the Seneka nation; and the United States will never claim the same, nor disturb the Seneka nation, nor any of the Six Nations, or of their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: but it shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

ARTICLE IV.

The United States having thus described and acknowledged what lands belong to the Oneidas, Onondagas, Cayugas and Senekas, and engaged never to claim the same, nor to disturb them, or any of the Six Nations, or their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: Now, the Six Nations, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States; nor ever disturb the people of the United States in the free use and enjoyment thereof.

Six Nations
never to
claim other
lands in the
boundaries
of U. S.

ARTICLE V.

The Seneka nation, all others of the Six Nations concurring, cede to the United States the right of making a waggon road from Fort Schlossier to Lake Erie, as far south as Buffalo Creek; and the people of the United States shall have the free and undisturbed use of this road, for the purposes of travelling and transportation. And the Six Nations, and each of them, will forever allow to the people of the United States, a free passage through

Right to
make a
road granted,
& passage thro'
lands, &c.

their lands, and the free use of the harbours and rivers adjoining and within their respective tracts of land, for the passing and securing of vessels and boats, and liberty to land their cargoes where necessary for their safety.

ARTICLE VI.

Present, &
annuity.

In consideration of the peace and friendship hereby established, and of the engagements entered into by the Six Nations; and because the United States desire, with humanity and kindness, to contribute to their comfortable support; and to render the peace and friendship hereby established, strong and perpetual; the United States now deliver to the Six Nations, and the Indians of the other nations residing among and united with them, a quantity of goods of the value of ten thousand dollars. And for the same considerations, and with a view to promote the future welfare of the Six Nations, and of their Indian friends aforesaid, the United States will add the sum of three thousand dollars to the one thousand five hundred dollars, heretofore allowed them by an article ratified by the President, on the twenty-third day of April, 1792; making in the whole, four thousand five hundred dollars; which shall be expended yearly forever, in purchasing cloathing, domestic animals, implements of husbandry, and other utensils suited to their circumstances, and in compensating useful artificers, who shall reside with or near them, and be employed for their benefit. The immediate application of the whole annual allowance now stipulated, to be made by the superintendent appointed by the President for the affairs of the Six Nations, and their Indian friends aforesaid.

ARTICLE VII.

Left the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States and Six Nations agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but, instead thereof, complaint shall be made by the party injured, to the other: By the Six Nations or any of them, to the President of the United States, or the Superintendant by him appointed: and by the Superintendant, or other person appointed by the President, to the principal chiefs of the Six Nations, or of the nation to which the offender belongs: and such prudent measures shall then be pursued as shall be necessary to preserve our peace and friendship unbroken; until the legislature (or great council) of the United States shall make other equitable provision for the purpose.

Retaliation
restrained.

NOTE. It is clearly understood by the parties to this treaty, that the annuity stipulated in the sixth article, is to be applied to the benefit of such of the Six Nations and of their Indian friends united with them as aforesaid, as do or shall reside within the boundaries of the United States: For the United States do not interfere with nations, tribes or families, of Indians elsewhere resident.

IN WITNESS whereof, the said Timothy Pickering, and the Sachems and War-chiefs of the said Six Nations, have hereto set their hands and seals.

DONE at Konon-daigua, in the state of New-York, the eleventh day of November, in the Year one thousand seven hundred and ninety-four.

TIMOTHY PICKERING, (L. S.)

O-ne-ye-ah-nee, x	(L. S.)
Kon-ne-at-or-lee-ooh, x or	
<i>Handsome Lake.</i>	(L. S.)
To-kenh-you-hau, x <i>alias Capt. Key.</i>	(L. S.)
O-nes-hau-ee, x	(L. S.)
Hendrick Aupaumut,	(L. S.)
David Neefoonhuk, x	(L. S.)
Kanatsoyh, <i>alias Nicholas Kusk.</i>	(L. S.)
Soh-hon-te-o-quent, x	(L. S.)
Oo-duht-fa-it, x	(L. S.)
Ko-nooh-qung, x	(L. S.)
Tof-fong-gau-lo-lus, x	(L. S.)
John Sken-en-do-a, x	(L. S.)
O-ne-at-or-lee-ooh, x	(L. S.)
Kuf-fau-wa-tau, x	(L. S.)
E-yoo-ten-yoo-tau-ook, x	(L. S.)
Kohn-ye-au-gong, <i>alias Jake Stroud.</i>	(L. S.)
Sha-gui-e-fa, x	(L. S.)
Teer-oos, x <i>alias Capt. Prantup.</i>	(L. S.)
Soos-ha-oo-wau, x	(L. S.)
Henry Young Brant, x	(L. S.)
Sonh-yoo-wau-na, x or <i>Big Sky.</i>	(L. S.)
O-na-ah-hah, x	(L. S.)
Hot-ofh-a-henh, x	(L. S.)
Kau-kon-da-nai-ya, x	(L. S.)
Non-di-yau-ka, x	(L. S.)
Kos-fish-to-wau, x	(L. S.)
Oo-jau-geht-a, x or <i>Fish Carrier.</i>	(L. S.)
To-he-ong-go, x	(L. S.)
Oot-a-guaf-lo, x	(L. S.)
Joo-non-dau-wa-onh, x	(L. S.)
Ki-yau-ha-onh, x	(L. S.)
Oo-tau-je-au-genh, x or <i>Broken Axe.</i>	(L. S.)
Tau-ho-on-dos, x or <i>Open the Way.</i>	(L. S.)
Twau-ke-wash-a, x	(L. S.)
Se-qui-dong-quee, <i>alias Little Beard.</i>	(L. S.)
Kod-je-ote, x or <i>Half Town.</i>	(L. S.)
Ken-jau-au-gus, x or <i>Stinking Fish.</i>	(L. S.)

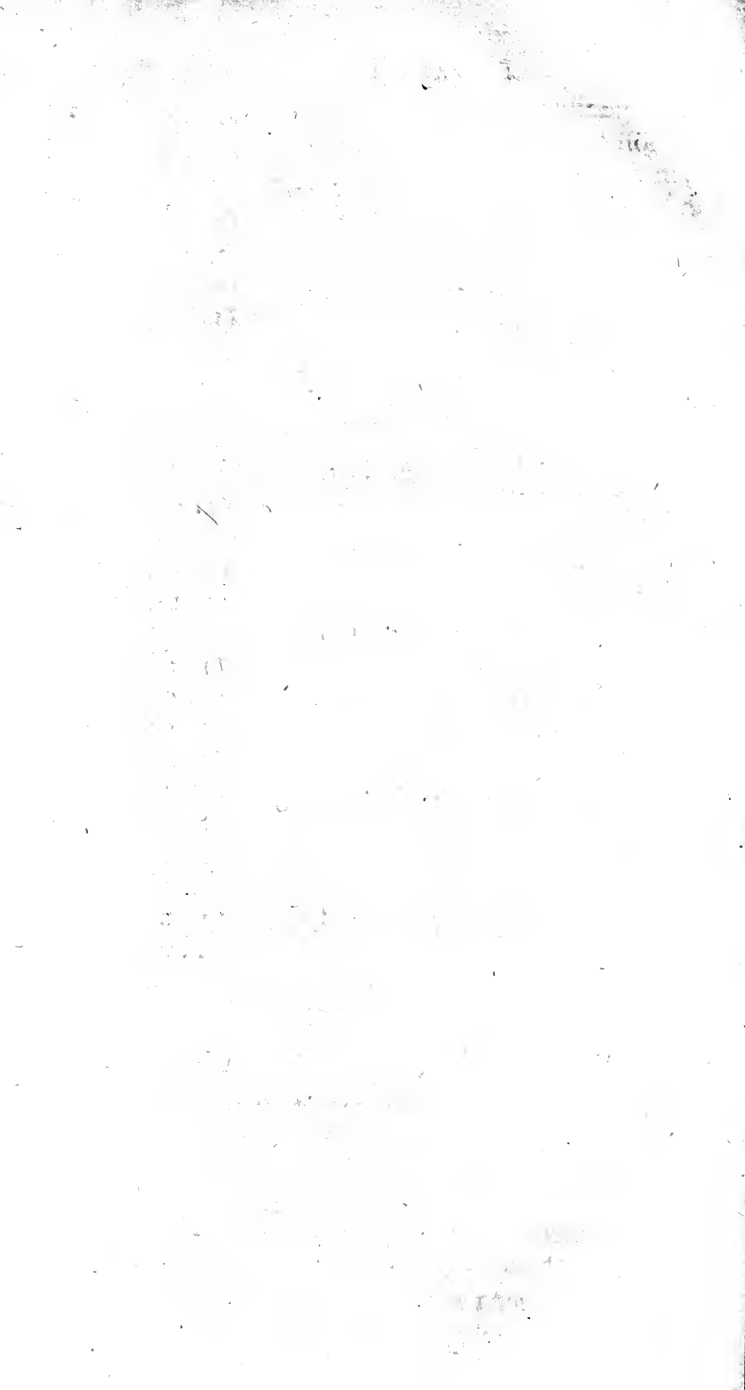
Soo-nōh-quau-kau, x	(L. S.)
Twen-ni-ya-na, x	(L. S.)
Jish-kaa-ga, x, <i>or Green Grass-hopper,</i> <i>alias Little Billy.</i>	(L. S.)
Tug-geh-shot-ta, x	(L. S.)
Tēh-ong-ya-gau-na, x	(L. S.)
Tēh-ong-yoo-wush, x	(L. S.)
Kon-ne-yoo-we-fot, x	(L. S.)
Ti-ōoh-quot-ta-kau-nā, x, <i>or Woods</i> <i>on Fire.</i>	(L. S.)
Ta-oun-dau-deesh, x	(L. S.)
Ho-na-ya-wus, x, <i>alias Farmer's</i> <i>Brother.</i>	(L. S.)
Sog-goo-ya-waut-hau, x, <i>alias</i> <i>Red Jacket.</i>	(L. S.)
Kon-yoo-ti-a-yoo, x	(L. S.)
Sauh-ta-ka-ong-yees, x, (<i>or Two</i> <i>Skies of a length.</i>)	(L. S.)
Oun-na-shatta-kau, x	(L. S.)
Ka-ung-ya-nēh-quee, x	(L. S.)
Soō-a-yoo-wau, x	(L. S.)
Kau-je-a-ga-onh, x, <i>or Heap of Dogs.</i>	(L. S.)
Soo-nōoh-shoo-wau, x	(L. S.)
T-ha-oo-wau-ni-as, x	(L. S.)
Soo-nong-joo-wau, x	(L. S.)
Kiant-whāu-ka, x, <i>alias Cornplanter.</i>	(L. S.)
Kau-nēh-shong-goo, x	(L. S.)

WITNESSES:

Israel Chapin,	William Shepherd, jun.
James Smedley,	John Wickham,
Augustus Porter,	James K. Garnsey,
Wm. Ewing,	Israel Chapin, jun.

Interpreters. { Horatia Jones,
Joseph Smith,
Jasper Parish.

Henry Abeele.



A T R E A T Y
BETWEEN THE
U N I T E D S T A T E S
AND THE
Oneida, Tuscorora, and Stockbridge
I N D I A N S.

A TREATY between the United States and the Oneida, Tuscorora, and Stockbridge Indians, dwelling in the Country of the Oneidas.

WHEREAS, in the late war between Great-Britain and the United States of America, a body of the Oneida and Tuscorora and the Stockbridge Indians, adhered faithfully to the United States, and assisted them with their warriors; and in consequence of this adherence and assistance, the Oneidas and Tuscororas, at an unfortunate period of the war, were driven from their homes, and their houses were burnt and their property destroyed: And as the United States in the time of their distress, acknowledged their obligations to these faithful friends, and promised to reward them: and the United States being now in a condition to fulfil the promises then made: the following articles are stipulated by the respective parties for that purpose; to be in force when ratified by the President and Senate.

ARTICLE I.

The United States will pay the sum of five thousand dollars, to be distributed among individuals of the Oneida and Tuscorora nations, as a compensation for their individual losses and services during the late war between

5000 dollars to be distributed for past losses and services.

Great-Britain and the United States. The only man of the Kaughnawaugas now remaining in the Oneida country, as well as some few very meritorious persons of the Stockbridge Indians, will be considered in the distribution.

ARTICLE II.

Mills to be erected by U. States.

For the general accommodation of these Indian nations, residing in the country of the Oneidas, the United States will cause to be erected a complete grist-mill and saw-mill, in a situation to serve the present principal settlements of these nations. Or if such one convenient situation cannot be found, then the United States will cause to be erected two such grist-mills and saw-mills, in places where it is now known the proposed accommodation may be effected. Of this the United States will judge.

ARTICLE III.

Millers to be provided.

The United States will provide, during three years after the mills shall be completed, for the expense of employing one or two suitable persons to manage the mills, to keep them in repair, to instruct some young men of the three nations in the arts of the miller and sawer, and to provide teams and utensils for carrying on the work of the mills.

ARTICLE IV.

1000 dollars given to build a church.

The United States will pay one thousand dollars, to be applied in building a convenient church at Oneida, in the place of the one which was there burnt by the enemy, in the late war.

ARTICLE V.

Indians relinquish further claims.

In consideration of the above stipulations to be performed on the part of the United States, the Oneida, Tuscorora and Stockbridge Indians afore-mentioned, now acknowledge them-

selves satisfied, and relinquish all other claims of compensation and rewards for their losses and services in the late war. Excepting only the unsatisfied claims of such men of the said nations as bore commissions under the United States, for any arrears which may be due to them as officers.

IN WITNESS whereof, the chiefs of those nations residing in the country of the Oneidas, and Timothy Pickering, agent for the United States, have hereto set their hands and seals, at Oneida, the second day of December, in the year one thousand seven hundred and ninety-four.

TIMOTHY PICKERING. L. S.

The marks of

Wolf tribe.	Head Sachems of the Oneidas.	O-dot-faihte	X L. S.
		Konno-quen-yau	X L. S.
Turtle tribe.	Eldest war chief.	John Skenendo	X L. S.
	War chief.	S,ho-noh-le-yo	X L. S.
	Sachem.	Peter Konnauterlook	X L. S.
	War chief	Daniel Te-ounes-lees, son of Skenendo	X L. S.
Bear tribe.	War chiefs	Lodowik Koh-fau-we-tau	X L. S.
		Cornelius Kauhiktoton	X L. S.
		Thos. Ofauhataugaunlot	X L. S.
Tuscorora	Sachem.	T,Haulondauwaugon	X L. S.
	War chief.	Kanatjogh, or <i>Nicholas Cusick</i>	

Witnesses to the signing and sealing of the agent of the United States, and of the chiefs of the Oneida and Tuscorora nations.

S. KIRKLAND.

JAMES DEAN, *Interpreter.*

Witnesses to the signing and
sealing of the four chiefs
of the Stockbridge Indians,
whose names are below. }

SAML. KIRKLAND.

JOHN SERGEANT.

Stockbridge Indian chiefs.	{ Hendrick Aupaumut	L. S.
	{ Joseph Quonney	L. S.
	{ John Konkapot	L. S.
	{ Jacob Konkapot	L. S.

A Treaty of Peace
BETWEEN THE
UNITED STATES OF AMERICA
AND THE
TRIBES OF INDIANS,
CALLED THE

*Wyandots, Delawares, Shawanoes, Ottawas,
Chipeawas, Putawatimes, Miamis, Eel-
river, Weeás, Kickapoos, Pian-
kashaws, and Kaskaskias.*

TO put an end to a destructive war, to settle all controversies, and to restore harmony and a friendly intercourse between the said United States, and Indian tribes ; Anthony Wayne, major-general, commanding the army of the United States, and sole commissioner for the good purposes above-mentioned, and the said tribes of Indians, by their Sachems, chiefs, and warriors, met together at Greenville, the head quarters of the said army, have agreed on the following articles, which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the said Indian tribes.

ARTICLE I.

Henceforth all hostilities shall cease ; peace is hereby established, and shall be perpetual ; and a friendly intercourse shall take place, between the said United States and Indian tribes.

Peace established

ARTICLE II.

All prisoners shall on both sides be restored. The Indians, prisoners to the United States, shall be immediately set at liberty. The peo-

Prisoners
to be re-
stored on
both sides.

ple of the United States, still remaining prisoners among the Indians, shall be delivered up in ninety days from the date hereof, to the general or commanding officer at Greeneville, Fort Wayne or Fort Defiance; and ten chiefs of the said tribes shall remain at Greeneville as hostages, until the delivery of the prisoners shall be effected.

ARTICLE III.

Boundary
line estab-
lished.

The general boundary line between the lands of the United States, and the lands of the said Indian tribes, shall begin at the mouth of Cayahoga river, and run thence up the same to the portage between that and the Tuscarawas branch of the Muskingum; thence down that branch to the crossing place above Fort Lawrence; thence westerly to a fork of that branch of the great Miami river running into the Ohio, at or near which fork stood Lorumie's store, and where commences the portage between the Miami of the Ohio, and St. Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; then south-westerly in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucke or Cuttawaga river. And in consideration of the peace now established; of the goods formerly received from the United States; of those now to be delivered, and of the yearly delivery of goods now stipulated to be made hereafter, and to indemnify the United States for the injuries and expenses they have sustained during the war; the said Indian tribes do hereby cede and relinquish forever, all their claims to the lands lying eastwardly and southwardly of the general boundary line now described; and

these lands, or any part of them, shall never hereafter be made a cause or pretence, on the part of the said tribes or any of them, of war or injury to the United States, or any of the people thereof.

And for the same considerations, and as an evidence of the returning friendship of the said Indian tribes, of their confidence in the United States, and desire to provide for their accommodation, and for that convenient intercourse which will be beneficial to both parties, the said Indian tribes do also cede to the United States the following pieces of land; to wit.

(1.) One piece of land six miles square at or near Loromie's store before mentioned. (2.)

One piece two miles square at the head of the navigable water or landing on the St. Mary's

river, near Girty's town. (3.) One piece six miles square at the head of the navigable water of the Au-Glaize river. (4.) One piece six

miles square at the confluence of the Au-Glaize and Miami rivers, where Fort Defiance

now stands. (5.) One piece six miles square at or near the confluence of the rivers St. Ma-

ry's and St. Joseph's, where Fort Wayne now stands, or near it. (6.) One piece two miles

square on the Wabash river at the end of the portage from the Miami of the lake, and

about eight miles westward from Fort Wayne. (7.) One piece six miles square at the Ouata-

non or old Weeá towns on the Wabash river. (8.) One piece twelve miles square at the Bri-

tish fort on the Miami of the lake at the foot of the rapids. (9.) One piece six miles square

at the mouth of the said river where it empties into the Lake. (10.) One piece six miles square

upon Sandusky lake, where a fort formerly stood. (11.) One piece two miles square at

Cession of
particular
tracts of
land by the
Indians.

the lower rapids of Sandusky river. (12.) The post of Detroit and all the land to the north, the west and the south of it, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and so much more land to be annexed to the district of Detroit as shall be comprehended between the river Rosine on the south, lake St. Clair on the north, and a line, the general course whereof shall be six miles distant from the west end of lake Erie, and Detroit river. (13.) The post of Michillimackinac, and all the land on the island, on which that post stands, and the main land adjacent, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and a piece of land on the main to the north of the island, to measure six miles on lake Huron, or the streight between lakes Huron and Michigan, and to extend three miles back from the water of the lake or streight, and also the island De Bois Blanc, being an extra and voluntary gift of the Chipewa nation. (14.) One piece of land six miles square at the mouth of Chikago river emptying into the south-west end of Lake Michigan, where a fort formerly stood. (15.) One piece twelve miles square at or near the mouth of the Illinois river, emptying into the Mississippi. (16.) One piece six miles square at the old Piorias fort and village, near the south end of the Illinois lake on said Illinois river : And whenever the United States shall think proper to survey and mark the boundaries of the lands hereby ceded to them, they shall give timely notice thereof to the said tribes of Indians, that they may appoint some of their wise chiefs to attend and see that the lines are run according to the terms of this treaty.

And the said Indian tribes will allow to the people of the United States a free passage by land and by water, as one and the other shall be found convenient, through their country, along the chain of posts herein before mentioned ; that is to say, from the commencement of the portage aforesaid at or near Loromie's store, thence along said portage to the St. Mary's, and down the same to Fort Wayne, and then down the Miami to lake Erie : again from the commencement of the portage at or near Loromie's store along the portage from thence to the river Au-Glaize, and down the same to its junction with the Miami at Fort Defiance : again from the commencement of the portage aforesaid, to Sandusky river, and down the same to Sandusky bay and lake Erie, and from Sandusky to the post which shall be taken at or near the foot of the rapids of the Miami of the lake : and from thence to Detroit. Again from the mouth of Chikago, to the commencement of the portage, between that river and the Illinois, and down the Illinois river to the Mississippi, also from Fort Wayne along the portage aforesaid which leads to the Wabash, and then down the Wabash to the Ohio. And the said Indian tribes will also allow to the people of the United States the free use of the harbours and mouths of rivers along the lakes adjoining the Indian lands, for sheltering vessels and boats, and liberty to land their cargoes where necessary for their safety.

Cession of
passages in
certain places
by the
Indians.

ARTICLE IV.

In consideration of the peace now established and of the cessions and relinquishments of lands made in the preceding article by the said tribes of Indians, and to manifest the liberali-

Relinquish-
ment of
certain
lands by
U. S.

ty of the United States, as the great means of rendering this peace strong and perpetual ; the United States relinquish their claims to all other Indian lands northward of the river Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters uniting them, according to the boundary line agreed on by the United States and the king of Great-Britain, in the treaty of peace made between them in the year 1783. But from this relinquishment by the United States, the following tracts of land, are explicitly excepted. 1st. The tract of one hundred and fifty thousand acres near the rapids of the river Ohio, which has been assigned to General Clark, for the use of himself and his warriors. 2d. The post of St. Vincennes on the river Wabash, and the lands adjacent, of which the Indian title has been extinguished. 3d. The lands at all other places in possession of the French people and other white settlers among them, of which the Indian title has been extinguished as mentioned in the 3d article ; and 4th. The post of fort Massac towards the mouth of the Ohio. To which several parcels of land so excepted, the said tribes relinquish all the title and claim which they or any of them may have.

Exceptions

Annual allowance to be made to the Indians.

And for the same considerations and with the same views as above mentioned, the United States now deliver to the said Indian tribes a quantity of goods to the value of twenty thousand dollars, the receipt whereof they do hereby acknowledge ; and henceforward every year forever the United States will deliver at some convenient place northward of the river Ohio, like useful goods, suited to the circumstances of the Indians, of the value of

nine thousand five hundred dollars ; reckon- Annual al-
 ing that value at the first cost of the goods in lowance to
 the city or place in the United States, where be made to
 they shall be procured. The tribes to which the Indians.
 those goods are to be annually delivered, and
 the proportions in which they are to be deli-
 vered, are the following.

1st. To the Wyandots, the amount of one thousand dollars. 2d. To the Delawares, the amount of one thousand dollars. 3d. To the Shawanese, the amount of one thousand dollars. 4th. To the Miamis, the amount of one thousand dollars. 5th. To the Ottawas, the amount of one thousand dollars. 6th. To the Chipewas, the amount of one thousand dollars. 7th. To the Putawatimes, the amount of one thousand dollars. 8th. And to the Kickapoo, Weeá, Eel-river, Piankashaw and Kaskaskias tribes, the amount of five hundred dollars each.

Provided, That if either of the said tribes shall hereafter at an annual delivery of their share of the goods aforesaid, desire that a part of their annuity should be furnished in domestic animals, implements of husbandry, and other utensils convenient for them, and in compensation to useful artificers who may reside with or near them, and be employed for their benefit, the same shall at the subsequent annual deliveries be furnished accordingly.

ARTICLE V.

To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this : The Indian tribes who have a right to those lands, are quietly to enjoy them, hunting, planting, and dwelling there-

Indians
 have right
 to hunt on
 lands re-
 linquished
 by U. S.

but may
sell only to
U. S. & to
be under
their pro-
tection.

on so long as they please, without any molestation from the United States ; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States ; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States and no other power whatever.

ARTICLE VI.

Indians
may expel
settlers
from their
lands.

If any citizen of the United States, or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States ; and the Indian tribe, on whose land the settlement shall be made, may drive off the settler, or punish him in such manner as they shall think fit ; and because such settlements made without the consent of the United States, will be injurious to them as well as to the Indians, the United States shall be at liberty to break them up, and remove and punish the settlers as they shall think proper, and so effect that protection of the Indian lands herein before stipulated.

ARTICLE VII.

Indians
may hunt
on lands
ceded to U.
States.

The said tribes of Indians, parties to this treaty, shall be at liberty to hunt within the territory and lands which they have now ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury to the people of the United States.

ARTICLE VIII.

Trade shall be opened with the said Indian tribes ; and they do hereby respectively engage to afford protection to such persons, with their property, as shall be duly licensed to reside among them for the purpose of trade, and to their agents and servants ; but no person shall be permitted to reside at any of their towns or hunting camps as a trader, who is not furnished with a license for that purpose, under the hand and seal of the superintendant of the department north-west of the Ohio, or such other person as the President of the United States shall authorize to grant such licenses ; to the end, that the said Indians may not be imposed on in their trade. And if any licensed trader shall abuse his privilege by unfair dealing, upon complaint and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States. And if any person shall intrude himself as a trader, without such license, the said Indians shall take and bring him before the superintendant or his deputy, to be dealt with according to law. And to prevent impositions by forged licenses, the said Indians shall at least once a year give information to the superintendant or his deputies, of the names of the traders residing among them.

Trade to be
opened
with the
Indians.

ARTICLE IX.

Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States, and the said Indian tribes agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place ; but instead thereof, complaint shall be made by the

Indians
agree to
take no
private re-
venge.

party injured, to the other : By the said Indian tribes, or any of them, to the President of the United States, or the superintendant by him appointed ; and by the superintendant or other person appointed by the President, to the principal chiefs of the said Indian tribes, or of the tribe to which the offender belongs ; and such prudent measures shall then be pursued as shall be necessary to preserve the said peace and friendship unbroken, until the Legislature (or Great Council) of the United States, shall make other equitable provision in the case, to the satisfaction of both parties. Should any Indian tribes meditate a war against the United States or either of them, and the same shall come to the knowledge of the before-mentioned tribes, or either of them, they do hereby engage to give immediate notice thereof to the general or officer commanding the troops of the United States, at the nearest post. And should any tribe, with hostile intentions against the United States, or either of them, attempt to pass through their country, they will endeavour to prevent the same, and in like manner give information of such attempt, to the general or officer commanding, as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States. In like manner the United States shall give notice to the said Indian tribes of any harm that may be meditated against them, or either of them, that shall come to their knowledge ; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

and to give
notice of
hostile de-
signs against
U. S.

ARTICLE X.

All other treaties heretofore made between the United States and the said Indian tribes,

Former
treaties
void.

or any of them, since the treaty of 1783, between the United States and Great-Britain, that come within the purview of this treaty, shall henceforth cease and become void.

In Testimony whereof, the said Anthony Wayne, and the Sachems and War-Chiefs of the before-mentioned Nations and Tribes of Indians, have hereunto set their Hands, and affixed their Seals. Done at Greeneville, in the Territory of the United States, north-west of the river Ohio, on the third Day of August, one thousand seven hundred and ninety-five.

ANTHONY WAYNE, L. S.

Wyandots.

Tar-hé, <i>or (Crane)</i>	X L. S.
J. Williams, jun.	X L. S.
Tey-yagh-taw,	X L. S.
Ha-ró-en-you, <i>(or half King's Son)</i>	X L. S.
Te-haaw-to-reus,	X L. S.
Aw-me-yee-ray,	X L. S.
Stayé-tah,	X L. S.
Sha-tey-ya-ron-yah, <i>(or Leather Lips)</i>	X L. S.
Daugh-shut-tay-ah,	X L. S.
Sha-aw-run-the,	X L. S.

Delawares.

Teta-boksh-ke, <i>(or Grand Glaize King)</i>	X L. S.
Le-man-tan-quis, <i>(or Black King)</i>	X L. S.
Wa-bat-thoe,	X L. S.
Magh-pi-way, <i>(or Red Feather)</i>	X L. S.
Kik-tha-we-nund, <i>(or Anderson)</i>	X L. S.
Bu-kon-ge-helas,	X L. S.
Pec-kee-lund,	X L. S.
Welle-baw-kee-lund,	X L. S.
Pee-kee-télé-mund, <i>(or Thomas Adams)</i>	X L. S.
Kish-ko-pe-kund, <i>(or Captain Buffalo)</i>	X L. S.
Ame-na-hehan, <i>(or Captain Crow)</i>	X L. S.
Que-Shawk-fey, <i>(or George Washington)</i>	X L. S.

Wey Win-quis, (*or Billy Sifcomb*) x L. S.
Moses, x L. S.

Shawanoes,

Mis-qua-Coo-na-caw, (*or Red Pole*) x L. S.
Cut-the-we-ka-faw, (*or Black Hoof*) x L. S.
Kay-fe-wa-e-fe-kah, x L. S.
Wey-tha-pa-mat-tha, x L. S.
Nia-nym-fe-ka, x L. S.
Way-the-ah, (*or Long Shanks*) x L. S.
Wey-a-pier-sen-waw, (*or Blue Jacket*) x L. S.
Ne-que, taugh-aw, x L. S.
Hah-goo-fee-kaw, (*or Captain Reed*) x L. S.

Ottawas.

Au-Goosh-away, x L. S.
Kee-No-sha-Meek, x L. S.
La Malice, x L. S.
Ma-chi-we-tah, x L. S.
Tho-wo-na-wa, x L. S.
Se-Caw, x L. S.

Chippewas.

Mash-i-pi-nash-i-wish, (*or Bald Bird*) x L. S.
Nah-sho-ga-she, (*from lake Superior*) x L. S.
Ka-tha-wa-fung, x L. S.
Ma-fafs, x L. S.
Ne-me-kafs, (*or Little Thunder*) x L. S.
Pe-shaw-kay, (*or Young Ox*) x L. S.
Nan-guey, x L. S.
Mee-ne-doh-gee-fogh, x L. S.
Pee-wan-she-me-nogh, x L. S.
Wey-me-gwas, x L. S.
Gob-ma-a-tick, x L. S.

Ottawa.

Che-go-Nickka, (*an Ottawa from Sandusky*) x L. S.

Putawatames of the River Saint Joseph.

Thu-pe-ne-bu, x L. S.
Naw-ac, (*for himself and brother*
A-fi-me-the) x L. S.
Ne-Nan-fe-ka, x L. S.
Kee-fafs, (*or Sun*) x L. S.

Ka-ba-ma-faw, (for himself and brother Chi-fau-gan)	X L. S.
Sug-ga-nunk,	X L. S.
Wap-me-me, (<i>or White Pigeon</i>)	X L. S.
Wa-che-nefs, (for himself and brother Pe-da-go-shok)	X L. S.
Wab-she-caw-naw,	X L. S.
La Chasse,	X L. S.
Me-she-ge-the-nogh, (for himself and brother Wa-wa-sek)	X L. S.
Hin-go-fwash,	X L. S.
A-ne-wa-faw,	X L. S.
Naw-budgh,	X L. S.
Mis-fe-no-go-maw,	X L. S.
Wa-we-eg-she,	X L. S.
Thaw-me, (<i>or le Blanc</i>)	X L. S.
Gee-que, (for himself and brother She-win-fe)	X L. S.

Patawatames of Huron.

O-ki-a,	X L. S.
Chamung,	X L. S.
Se-ga-ge-wan,	X L. S.
Na-naw-me, (for himself and brother A. Gin)	X L. S.
Mar-chand,	X L. S.
We-Na-me-ac,	X L. S.

Miamies.

Na-goh-quan-gogh, (<i>or Le Gris</i>)	X L. S.
Me-she-kun-nogh-quoh, (<i>or Little Turtle</i>)	X L. S.

Miamis and Eel-River.

Pee-jee-wa, (<i>or Richard Ville</i>)	X L. S.
Coch-ke-pogh-togh,	X L. S.

EEL-RIVER TRIBE.

Sha-me-kun-ne-fa, (<i>or Soldier</i>)	X L. S.
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MIAMIS.

Wa-pa-man-gwa, (<i>or the White Loon</i>)	X L. S.
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Weeás, for themselves and the Piankashaws.

A-Ma-Cun-fa, (<i>or Little Beaver</i>)	X L. S.
A-Coo-la-tha, (<i>or Little Fox</i>)	X L. S.
Francis,	X L. S.

Kickapoos and Kaskaskias.

Kee-aw-hah,	x L. S.
Ne-migh-ka, (<i>or Jofey Renard</i>)	x L. S.
Pai-kee-ka-nogh,	x L. S.

Delawares of Sandusky.

Haw-kin-pum-is-ka,	x L. S.
Pey-a-mawk-fey,	x L. S.
Reyn-tue-co, (of the Six Nations, living at Sandusky)	x L. S.

In prefence of, (the word "goods" in the 6th line of the 3d article; the word "before" in the 26th line of the 3d article; the words "five hundred" in the 10th line of 4th article, and the word "Piankashaw" in the 14th line of the 4th article, being first interlined.)

H. De Butts, first A. D. C. and Sec'y to M. G. Wayne.

Wm. H. Harrison, Aid-de-camp to M. G. Wayne.

T. Lewis, Aid-de-camp to M. G. Wayne.

James O'Hara, Quarter-Master Genl.

John Mills, Major of Infantry, and Adj. Genl.

Caleb Swan, P. M. T. U. S.

Geo. Demter, Lieut. Artillery.

Vigo.

P. fris La Fontaine.

Ant. Laffelle.

H. Lafelle.

Jn. Beau Bien.

David Jonnes, Chaplain U. S. L.

Lewis Beufait.

R. Lachambre.

Jas. Pepen.

Batics Coutien.

P. Navarre.

Sworn Interpreters.

Wm. Wells.

Jacques Laffelle.

M. Morins.

Bt. Sans Crainte.

Christopher Miller.

Robert Wilson.

Abraham x Williams.

Isaac x Zane.

T R E A T Y
O F
Amity, Commerce and Navigation,
B E T W E E N
H I S B R I T A N N I C M A J E S T Y
A N D T H E
U N I T E D S T A T E S O F A M E R I C A,
*By their President, with the Advice and Consent
of their Senate.*

HIS Britannic Majesty and the United States of America, being desirous, by a treaty of amity, commerce and navigation, to terminate their differences in such a manner, as, without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding; and also to regulate the commerce and navigation between their respective countries, territories and people, in such a manner as to render the same reciprocally beneficial and satisfactory; they have, respectively, named their plenipotentiaries, and given them full powers to treat of, and conclude the said treaty; that is to say: His Britannic Majesty has named for his Plenipotentiary, the Right Honorable William Wyndham Baron Grenville of Wotton, one of his Majesty's Privy Council, and his Majesty's Principal Secretary of State for Foreign Affairs; and the President of the said United States, by and with the advice and consent of the Senate thereof, hath appointed for their plenipotentiary, the honorable John Jay, Chief Justice of the said United States, and their en-

voy extraordinary to his Majesty ; who have agreed on and concluded the following articles.

ARTICLE I.

There shall be a firm, inviolable and universal peace, and a true and sincere friendship between his Britannic Majesty, his heirs and successors, and the United States of America ; and between their respective countries, territories, cities, towns and people of every degree, without exception of persons or places.

ARTICLE II.

His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, one thousand seven hundred and ninety-six, and all the proper measures shall in the interval be taken by concert between the government of the United States, and his Majesty's Governor-General in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts : The United States in the mean time at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects ; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion ; such of them as shall continue to reside within the said boundary lines,

Peace established.

His Majesty to withdraw troops from U. States.

Privileges allowed to settlers and traders.

shall not be compelled to become citizens of the United States, or to take any oath of allegiance to the government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within one year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of his Britannic Majesty, shall be considered as having elected to become citizens of the United States.

ARTICLE III.

It is agreed that it shall at all times be free to his Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America (the country within the limits of the Hudson's bay Company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other. But it is understood, that this article does not extend to the admission of vessels of the United States into the sea-ports, harbours, bays, or creeks of his Majesty's said territories; nor into such parts of the rivers in his Majesty's said territories as are between the mouth thereof, and the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest

Commercial intercourse regulated between the two parties on the continent of America.

Commer-
cial inter-
course
regulated
between
the two
parties on
the conti-
nent of
America.

ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of his Majesty in Great-Britain.

All goods and merchandize whose importation into his Majesty's said territories in America, shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the United States, and such goods and merchandize shall be subject to no higher or other duties, than would be payable by his Majesty's subjects on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandize whose importation into the United States shall not be wholly prohibited, may freely, for the purpose of commerce, be carried into the same, in the manner aforesaid, by his Majesty's subjects, and such goods and merchandize shall be subject to no higher or other duties, than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the said states. And all goods not prohibited to be exported from the said territories respectively, may in like manner be carried out of the same by the two parties respectively, paying duty as aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land, or inland navigation into the said territories re-

spectively, nor shall the Indians passing or re-passing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

Commercial inter-
course
regulated
between
the two
parties on
the conti-
nent of
America.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the purpose of being immediately re-imbarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides; it is agreed, that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighbourhood, it is agreed, that the respective governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

ARTICLE IV.

Whereas it is uncertain whether the river Mississippi extends so far to the northward, as

Survey of
the Missi-
ssippi to be
made.

to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between his Majesty and the United States; it is agreed, that measures shall be taken in concert between his Majesty's government in America and the government of the United States, for making a joint survey of the said river from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if on the result of such survey, it should appear that the said river, would not be intersected by such a line as is above-mentioned, the two parties will thereupon proceed by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

ARTICLE V.

Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of commissioners to be appointed in the following manner, viz.

Commis-
sioners to
be appoint-
ed to decide
what river
is the river
St. Croix
intended by
the treaty
of peace to
be the
boundary
of the U. S.

One commissioner shall be named by his Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners shall agree on the choice of a third; or if they cannot so agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners. And

the three commissioners so appointed, shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British government and of the United States. The said commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. The said commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the agent of his Majesty, and to the agent of the United States, who may be respectively appointed and authorized to manage the business on behalf of the respective governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never hereafter be called into question, or made the subject of dispute or difference between them.

Commissioners to be appointed to decide what river is the river St. Croix, intended by the treaty of peace to be the boundary of the U. S.

ARTICLE VI.

Whereas it is alleged by divers British merchants and others his Majesty's subjects, that debts, to a considerable amount, which were bona fide contracted before the peace, still remain owing to them by citizens or inhabitants of the United States, and that by the operation of various lawful impediments since the peace, not only the full recovery of the

U. S. to make compensation to British creditors,

for losses
occasioned
by legal
impedi-
ments to
the collec-
tion of
debts con-
tracted be-
fore the
peace.

said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained. It is agreed, that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had and received by the said creditors in the ordinary course of justice, the United States will make full and complete compensation for the same to the said creditors: But it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors, or other causes as would equally have operated to produce such loss, if the said impediments had not existed; nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

Commis-
sioners to
be appoint-
ed to ascer-
tain the
same,

For the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed, and authorized to meet and act in manner following, viz. Two of them shall be appointed by his Majesty, two of them by the President of the United States by and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other four; and if they should not agree in such choice, then the commissioners named by the two parties shall respectively propose one person, and of the two names so proposed, one shall be drawn by lot,

in the presence of the four original commissioners. When the five commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath, or affirmation, in the presence of each other; which oath, or affirmation, being so taken and duly attested, shall be entered on the record of their proceedings, viz. I, *A. B.* one of the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce, and navigation, between his Britannic Majesty and the United States of America, do solemnly swear (or affirm) that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, as under the said article shall be preferred to the said commissioners: and that I will forbear to act as a commissioner, in any case in which I may be personally interested.

Commissioners to be appointed to ascertain the same.

Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commission, provided that one of the commissioners named on each side, and the fifth commissioner shall be present, and all decisions shall be made by the majority of the voices of the commissioners then present. Eighteen months from the day on which the said commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months, for any term not exceeding six months, after the expiration thereof. The said commissioners

Their power & duty.

Their power and duty:

shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

The said commissioners in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said commissioners shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof; every such deposition, book, or paper, or copy, or extract, being duly authenticated, either according to the legal forms now respectively existing in the two countries, or in such other manner as the said commissioners shall see cause to require or allow.

U. S. to pay the sum awarded.

The award of the said commissioners, or of any three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant: And the United States undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places, as shall be awarded by the said commissioners; and on condition of such releases or assign-

ments to be given by the creditor or claimant, as by the said commissioners may be directed: Provided always, that no such payment shall be fixed by the said commissioners to take place sooner than twelve months from the day of the exchange of the ratifications of this treaty.

ARTICLE VII.

Whereas complaints have been made by divers merchants and others, citizens of the United States, that during the course of the war in which his Majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, under colour of authority or commissions from his Majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had and received by the ordinary course of judicial proceedings; it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had and received by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British government to the said complainants. But it is distinctly understood, that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

British government to make compensation to American citizens for illegal captures of their vessels by British subjects.

That for the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed and authorized to act in London, exactly in the manner directed with respect to those mentioned in

Commis-
sioners to
be appoin-
ted to
ascertain
the same,

the preceding article, and after having taken the same oath or affirmation (*mutatis mutandis*) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said commissioners, or any such three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and his Britannic Majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given by the claimant, as by the said commissioners may be directed.

And whereas certain merchants and others his Majesty's subjects, complain, that in the course of the war they have sustained loss and damage, by reason of the capture of their vessels and merchandize, taken within the limits and jurisdiction of the states, and brought into the ports of the same, or taken by vessels originally armed in ports of the said states.

It is agreed that in all such cases where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, Sept. 5, 1793, a copy of which is annexed to this treaty; the complaints of the parties shall be and

U. States
to make
compensa-
tion to Bri-
tish sub-
jects, for

hereby are referred to the commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to these as to the other cases committed to them; and the United States undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to them respectively by the said commissioners, and at the times and places which in such awards shall be specified; and on condition of such releases or assignments to be given by the claimants as in the said awards may be directed: And it is further agreed, that not only the now-existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning of this article.

captures in
their jurisdic-
tion or
by vessels
armed in
their ports.

ARTICLE VIII.

It is further agreed, that the commissioners mentioned in this and in the two preceding articles shall be respectively paid in such manner as shall be agreed between the two parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by the majority of the commissioners. And in the case of death, sickness or necessary absence, the place of every such commissioner respectively shall be supplied in the same manner as such commissioner was first appointed, and the new commissioners shall take the same oath or affirmation and do the same duties.

How ex-
penses shall
be paid, &
vacancy of
commis-
sioners sup-
plied.

ARTICLE IX.

Alienage
not to affect
certain
titles to
lands.

It is agreed that British subjects who now hold lands in the territories of the United States, and American citizens who now hold lands in the dominions of his Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein ; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives ; and that neither they nor their heirs or assigns shall, so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

ARTICLE X.

Sequestra-
tion of
debts
restrained.

Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies which they may have in the public funds, or in the public or private banks, shall ever in any event of war or national differences be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective governments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

ARTICLE XI.

It is agreed between his Majesty and the United States of America, that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations and on the conditions specified in the following articles :

ARTICLE XII.

His Majesty consents that it shall and may be lawful during the time herein-after limited, for the citizens of the United States to carry

to any of his Majesty's islands and ports in the West-Indies from the United States, in their own vessels, not being above the burthen of seventy tons, any goods or merchandizes, being of the growth, manufacture or produce of the said states, which it is or may be lawful to carry to the said islands or ports from the said states in British vessels; and that the said American vessels shall be subject there to no other or higher tonnage-duties or charges, than shall be payable by British vessels in the ports of the United States; and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges, than shall be payable on the like articles if imported there from the said states in British vessels.

West-India
trade
regulated.

And his Majesty also consents, that it shall be lawful for the said American citizens to purchase, load, and carry away in their said vessels to the United States from the said islands and ports, all such articles, being of the growth, manufacture or produce of the said islands, as may now by law be carried from thence to the said states in British vessels, and subject only to the same duties and charges on exportation, to which British vessels and their cargoes are or shall be subject in similar circumstances.

Provided always, that the said American vessels do carry and land their cargoes in the United States only, it being expressly agreed and declared, that during the continuance of this article, the United States will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa or cotton in American vessels, either from his Majesty's islands, or from the United States to any part of the world except the United States, reasonable sea-stores ex-

West-India
trade
regulated.

cepted. Provided also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands into the United States, and to export from the United States to the said islands, all articles whatever, being of the growth, produce or manufacture of the said islands, or of the United States respectively, which now may, by the laws of the said states, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties or charges, than shall be payable on the same articles if so imported or exported in American vessels.

It is agreed that this article and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which his Majesty is now engaged; and also for two years from and after the day of the signature of the preliminary or other articles of peace, by which the same may be terminated.

And it is further agreed, that at the expiration of the said term, the two contracting parties will endeavour further to regulate their commerce in this respect, according to the situation in which his Majesty may then find himself with respect to the West-Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavour to agree, whether in any and what cases, neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become such. But in the mean time, their conduct towards each other in these respects, shall be regulated by

the articles herein-after inserted on those subjects.

ARTICLE XIII.

His Majesty consents that the vessels belonging to the citizens of the United States of America, shall be admitted and hospitably received, in all the sea-ports and harbours of the British territories in the East-Indies. And that the citizens of the said United States, may freely carry on a trade between the said territories and the said United States, in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted into the said ports no other or higher tonnage-duty than shall be payable on British vessels when admitted into the ports of the United States. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories, to any port or place, except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties, as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation.

East-India
trade
regulated.

East-India
trade regu-
lated.

It is also understood that the permission granted by this article, is not to extend to allow the vessels of the United States to carry on any part of the coasting-trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting-trade. Neither is this article to be construed to allow the citizens of the said states to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British government established there; and if any transgression should be attempted against the regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the United States, whenever they arrive in any port or harbour in the said territories, or if they should be permitted in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction of what nature established in such harbour, port or place, according as the same may be. The citizens of the United States may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British government may from time to time establish there.

ARTICLE XIV.

There shall be between all the dominions of his Majesty in Europe and the territories of the United States, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries re-

spectively, shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and ware-houses for the purposes of their commerce, and generally the merchants and traders on each side, shall enjoy the most complete protection and security for their commerce; but subject always as to what respects this article, to the laws and statutes of the two countries respectively.

Liberty of commerce between the British European dominions and the U. States established.

ARTICLE XV.

It is agreed that no other or higher duties shall be paid by the ships or merchandize of the one party in the ports of the other, than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles the growth, produce or manufacture of the other, than are or shall be payable on the importation of the like articles being of the growth, produce, or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

Regulations respecting duties on ships and merchandize.

But the British government reserves to itself the right of imposing on American vessels entering into the British ports in Europe, a tonnage duty equal to that which shall be payable by British vessels in the ports of America: And also such duty as may be adequate to

countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the United States in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time, with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval it is agreed, that the United States will not impose any new or additional tonnage duties on British vessels, nor increase the now-subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

ARTICLE XVI.

Consuls
may be
appointed.

It shall be free for the two contracting parties, respectively to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back, the offended government assigning to the other their reasons for the same.

Either of the parties may except from the residence of consuls such particular places, as

such party shall judge proper to be so excepted.

ARTICLE XVII.

It is agreed, that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war ; the said vessel shall be brought to the nearest or most convenient port ; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication ; and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

How to proceed when vessels are captured on suspicion of having enemy's property, or contraband goods.

ARTICLE XVIII.

In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, faucifles, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, belts, and generally all other implements of war ; as also timber for ship-building, tar or rozin, copper in sheets, sails, hemp, and cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted ; and all the

What articles shall be deemed contraband.

above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

Stipulation
respecting
provisions
becoming
contra-
band.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise : It is further agreed, that whenever any such articles so becoming contraband, according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified ; and the captors, or in their default, the government under whose authority they act, shall pay to the masters or owners of such vessels, the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

Regula-
tions
respecting
vessels
attempting
to enter a
blockaded
port, or
found
therein.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded or invested ; it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after notice she shall again attempt to enter ; but she shall be permitted to go to any other port or place she may think proper : Nor shall any vessel or goods of either party, that may have entered into such port or place, before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confisca-

tion, but shall be restored to the owners or proprietors thereof.

ARTICLE XIX.

And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war, or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary, they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

Privateer-
ing regul-
lated.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties, who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of fifteen hundred pounds sterling, or if such ships be provided with above one hundred and fifty seamen or soldiers, in the sum of three thousand pounds sterling, to satisfy all damages and injuries, which the said privateer, or her officers or men, or any of them may do or commit during their cruise, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct; and further, that in all cases of aggressions, the said commissions shall be revoked and annulled.

It is also agreed that whenever a judge of a court of admiralty of either of the parties.

shall pronounce sentence against any vessel, or goods or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

ARTICLE XX.

Pirates not to be protected, and goods taken by them to be restored.

It is further agreed that both the said contracting parties, shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships with the goods or merchandizes taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them (proper evidence being first given in the court of admiralty for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe, or suspect that they had been piratically taken.

ARTICLE XXI.

It is likewise agreed, that the subjects and citizens of the two nations, shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party ; nor shall the enemies of

one of the parties be permitted to invite, or endeavour to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively, shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party, to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

Subjects or citizens of one party shall not accept commission from a foreign state at war with the other.

ARTICLE XXII.

It is expressly stipulated, that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

No reprisal till demand of satisfaction and refusal.

ARTICLE XXIII.

The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the two countries. And his Majesty consents, that in case an American vessel should, by stress of weather, danger from enemies or

Ships of war of each to be received in the ports of the other.

American
vessels in
case of
stress of
weather
may enter
British
ports.

other misfortune, be reduced to the necessity of seeking shelter in any of his Majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received and be permitted to refit, and to purchase at the market price, such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be bona fide necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.

ARTICLE XXIV.

Foreign
privateers
not to arm
in the ports
of either
nation, nor
to sell their
prizes.

It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other prince or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions, than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

ARTICLE XXV.

It shall be lawful for the ships of war and privateers belonging to the said parties respec-

tively, to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever ; nor shall the said prizes when they arrive at, and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation or commerce) nor shall such officers take cognizance of the validity of such prizes ; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties ; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or states. But the two parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Regulations respecting prizes and captures.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other, to be taken within cannon-shot of the coast, nor in any of the bays, ports, or rivers of their territories, by ships of war, or

others having commission from any prince, republic, or state whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavours to obtain from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

ARTICLE XXVI.

Privileges
of the sub-
jects and ci-
tizens of
each party
residing in
the domi-
nions of the
other in
case of a
rupture.

If at any time a rupture should take place, (which God forbid) between his Majesty and the United States, the merchants and others of each of the two nations, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade, so long as they behave peaceably, and commit no offence against the laws; and in case their conduct should render them suspected, and the respective governments should think proper to order them to remove, the term of twelve months from the publication of the order shall be allowed them for that purpose, to remove with their families, effects and property; but this favour shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared, that such rupture shall not be deemed to exist, while negotiations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which, both parties retain their rights, either to request the recal, or immediately to send home the ambassador or minister of the other; and that without prejudice to their mutual friendship and good understanding.

ARTICLE XXVII.

It is further agreed, that his Majesty and the United States, on mutual requisitions, by them respectively, or by their respective ministers or officers authorized to make the same, will deliver up to justice all persons, who, being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality, as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed, by those who make the requisition and receive the fugitive.

Criminals
to be deli-
vered up to
justice.

ARTICLE XXVIII.

It is agreed, that the first ten articles of this treaty shall be permanent, and that the subsequent articles, except the twelfth, shall be limited in their duration to twelve years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, That whereas the said twelfth article will expire by the limitation therein contained, at the end of two years from the signing of the preliminary or other articles of peace, which shall terminate the present war in which his Majesty is engaged, it is agreed, that proper measures shall by concert be taken, for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head, may, by that time, be perfected, and ready to take place. But if it should unfortunately happen, that his Majes-

Limitation.

ty and the United States, should not be able to agree on such new arrangements, in that case, all the articles of this treaty, except the first ten, shall then cease and expire together.

Ratifica-
tion.

Lastly. This treaty, when the same shall have been ratified by his Majesty, and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be binding and obligatory on his Majesty and on the said states, and shall be by them respectively executed, and observed, with punctuality and the most sincere regard to good faith ; and whereas it will be expedient, in order the better to facilitate intercourse and obviate difficulties, that other articles be proposed and added to this treaty, which articles, from want of time and other circumstances, cannot now be perfected ; it is agreed that the said parties will, from time to time, readily treat of and concerning such articles, and will sincerely endeavour so to form them, as that they may conduce to mutual convenience, and tend to promote mutual satisfaction and friendship ; and that the said articles, after having been duly ratified, shall be added to, and make a part of this treaty. In faith whereof, we, the undersigned ministers plenipotentiary of his Majesty the King of Great-Britain, and the United States of America, have signed this present treaty, and have caused to be affixed thereto the seal of our arms.

*Done at London, this nineteenth Day of
November, one thousand seven hundred
and ninety-four.*

GRENVILLE,
JOHN JAY.

L. S.
L. S.

Philadelphia, September 5, 1793.

SIR,

I AM honored with yours of August 30th. Mine of the 7th of that month assured you that measures were taken for excluding from all further asylum in our ports, vessels armed in them to cruize on nations with which we are at peace, and for the restoration of the prizes the *Lovely Lass*, *Prince William Henry*, and the *Jane* of Dublin; and that should the measures for restitution fail in their effect, the President considered it as incumbent on the United States to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports, or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great-Britain, it was the opinion of the President, that we should use towards that nation the same rule, which under this article, was to govern us with the other nations; and even to extend it to captures made on the high seas, and brought into our ports: if done by vessels which had been armed within them.

Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make com-

penfation for them : And though nothing was faid in that letter of other veffels taken under like circumftances, and brought in after the 5th of June, and before the date of that letter, yet when the fame forbearance had taken place, it was and is his opinion, that compenfation would be equally due.

As to prizes made under the fame circumftances, and brought in after the date of that letter, the Prefident determined, that all the means in our power fhould be ufed for their reftitution. If thefe fail, as we fhould not be bound by our treaties to make compenfation to the other powers in the analogous cafe, he did not mean to give an opinion that it ought to be done to Great-Britain. But ftill if any cafes fhall arife fubfequent to that date, the circumftances of which fhall place them on fimilar ground with thofe before it, the Prefident would think compenfation equally incumbent on the United States.

Inftructions are given to the governors of the different ftates, to ufe all the means in their power for reftoring prizes of this laft defcription found within their ports. Though they will of courfe take meafures to be informed of them, and the general government has given them the aid of the custom-houfe officers for this purpofe, yet you will be fenfible of the importance of multiplying the channels of their information as far as fhall depend on yourfelf, or any perfon under your direction, in order that the governors may ufe the means in their power for making reftitution.

Without knowledge of the capture they cannot reftore it. It will always be beft to give the notice to them directly ; but any information which you fhall be pleafed to fend to me, alfo,

at any time shall be forwarded to them as quickly as distance will permit.

Hence you will perceive, Sir, that the President contemplates restitution or compensation in the case before the 7th August; and after that date, restitution if it can be effected by any means in our power. And that it will be important that you should substantiate the fact, that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports is, I believe, correct.

With respect to losses by detention, waste, spoliation sustained by vessels taken as before-mentioned, between the dates of June 5th and August 7th, it is proposed as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the time of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly, to the collector of the customs where the respective vessels are.

I have the honor to be, &c.

(Signed,) THOMAS JEFFERSON.

GEORGE HAMMOND, ESQ.

ADDITIONAL ARTICLE.

It is further agreed between the said contracting parties, that the operation of so much of the twelfth article of the said treaty as respects the trade which his said Majesty there-

Twelfth article suspended.

by consents may be carried on between the United States and his islands in the West-Indies, in the manner and on the terms and conditions therein specified, shall be suspended.

EXPLANATORY ARTICLE.

“ WHEREAS by the third article of the treaty of amity, commerce and navigation, concluded at London, on the nineteenth day of November, one thousand seven hundred and ninety four, between his Britannic Majesty and the United States of America, it was agreed that it should at all times be free to his Majesty’s subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, assigned by the treaty of peace to the United States, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two contracting parties, on the continent of America, (the country within the limits of the Hudson’s Bay company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article : And whereas by the eighth article of the treaty of peace and friendship concluded at Greenville, on the third day of August, one thousand seven hundred and ninety-five, between the United States and the nations or tribes of Indians, called the Wyandots, Delawares, Shawanoes, Ottawas, Chipewas, Putawatimies, Miamis, Eel-River, Weeas, Kickapoos, Piankashaws and Kaskaskias, it was stipulated that no person should be per-

mitted to reside at any of the towns or hunting camps of the said Indian tribes, as a trader, who is not furnished with a license for that purpose, under the authority of the United States : Which latter stipulation has excited doubts, whether in its operation it may not interfere with the due execution of the said third article of the treaty of amity, commerce and navigation : And it being the sincere desire of his Britannic Majesty and of the United States, that this point should be so explained, as to remove all doubts, and promote mutual satisfaction and friendship : And for this purpose, his Britannic Majesty having named for his commissioner, Phineas Bond, Esquire, his Majesty's Consul General for the middle and southern states of America, (and now his Majesty's Chargé d'Affaires to the United States) and the President of the United States having named for their commissioner, Timothy Pickering, Esquire, Secretary of State of the United States, to whom, agreeably to the laws of the United States, he has intrusted this negotiation ; They, the said commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce and navigation, entered into this explanatory article, and do by these presents explicitly agree and declare, That no stipulations in any treaty subsequently concluded by either of the contracting parties with any other state or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third article of the treaty of amity, commerce and navigation, to the subjects of his Majesty and to

the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid; but that all the said persons shall remain at full liberty freely to pass and repass by land or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said third article of the treaty of amity, commerce and navigation.

This explanatory article, when the same shall have been ratified by his Majesty, and by the President of the United States, by and with the advice and consent of their Senate, and the respective ratifications mutually exchanged, shall be added to, and make a part of the said treaty of amity, commerce and navigation, and shall be permanently binding upon his Majesty and the United States.

IN WITNESS whereof, we, the said Commissioners of his Majesty, the King of Great-Britain and the United States of America, have signed this present explanatory article, and thereto affixed our seals. Done at Philadelphia, this fourth day of May, in the year of our Lord one thousand seven hundred and ninety-six.

P. BOND, (L. S.)
TIMOTHY PICKERING, (L. S.)

A Treaty of Peace and Amity

BETWEEN THE

DEY OF ALGIERS

AND THE

UNITED STATES OF AMERICA.

A TREATY OF PEACE AND AMITY

Concluded this present day I—ima artasi, the twenty-first of the Luna safer, year of the Hegira 1210, corresponding with Saturday the fifth of September, one thousand seven hundred and ninety-five, between Hassan Bashaw, Dey of Algiers, his Divan and Subjects, and George Washington, President of the United States of North-America, and the Citizens of the said United States.

ARTICLE I.

FROM the date of the present treaty, there shall subsist a firm and sincere peace and amity between the President and citizens of the United States of North-America, and Hassan Bashaw, Dey of Algiers, his Divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor and respect.

Peace
established.

ARTICLE II.

All vessels belonging to the citizens of the United States of North-America, shall be permitted to enter the different ports of the Regency; to trade with our subjects, or any other persons residing within our jurisdiction, on paying the usual duties at our custom-house that is paid by all nations at peace with this Regency; observing that all goods disem-

Commer-
cial inter-
course
regulated.

barked and not sold here shall be permitted to be reembarked without paying any duty whatever, either for disembarking or embarking. All naval and military stores, such as gunpowder, lead, iron, plank, sulphur, timber for building, tar, pitch, rosin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this Regency, without paying any duties whatever at the custom-house of this Regency.

ARTICLE III.

Vessels of
each nation
to pass un-
molested.

The vessels of both nations shall pass each other without any impediment or molestation; and all goods, monies or passengers, of whatsoever nation, that may be on board of the vessels belonging to either party, shall be considered as inviolable, and shall be allowed to pass unmolested.

ARTICLE IV.

How pass-
ports of
vessels &
ships of
war shall be
examined,
and to
whom to be
granted

All ships of war belonging to this Regency, on meeting with merchant-vessels belonging to citizens of the United States, shall be allowed to visit them with two persons only beside the rowers; these two only permitted to go on board said vessel, without obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships of war belonging to the United States of North-America, on meeting with an Algerine cruiser, and shall have seen her passport and certificate from the Consul of the United States of North America, resident in this Regency, shall be permitted to proceed on her cruise unmolested: no passport to be issued to any ships but such as are absolutely the property of citizens of the United States: and eighteen months shall be

the term allowed for furnishing the ships of the United States with passports.

ARTICLE V.

No commander of any cruiser belonging to this regency, shall be allowed to take any person, of whatever nation or denomination, out of any vessel belonging to the United States of North-America, in order to examine them, or under pretence of making them confess any thing desired ; neither shall they inflict any corporal punishment, or any way else molest them.

No Algerine cruiser may take any person out of a vessel of the U. States.

ARTICLE VI.

If any vessel belonging to the United States of North-America, shall be stranded on the coast of this Regency, they shall receive every possible assistance from the subjects of this Regency : all goods saved from the wreck shall be permitted to be reimbarcked on board of any other vessel, without paying any duties at the custom house.

Vessels of U. States stranded to be relieved.

ARTICLE VII.

The Algerines are not, on any pretence whatever, to give or sell any vessel of war to any nation at war with the United States of North-America, or any vessel capable of cruising to the detriment of the commerce of the United States.

Algerines not to sell vessels of war to the enemies of U. States.

ARTICLE VIII.

Any citizen of the United States of North-America, having bought any prize condemned by the Algerines, shall not be again captured by the cruisers of the regency then at sea, although they have not a passport ; a certificate from the consul resident being deemed sufficient, until such time they can procure such passport.

When passport is not necessary.

ARTICLE IX.

Other Barbary states not to be allowed to sell prizes in Algiers.

If any of the Barbary states at war with the United States of North-America, shall capture any American vessel and bring her into any of the ports of this Regency, they shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

ARTICLE X.

U. S. may send prizes into the ports of the Regency.

Any vessel belonging to the United States of North-America, when at war with any other nation, shall be permitted to send their prizes into the ports of the Regency, have leave to dispose of them, without paying any duties on sale thereof. All vessels wanting provisions or refreshments, shall be permitted to buy them at market price.

ARTICLE XI.

How ships of war of U. S. shall be treated in the ports of the Regency.

All ships of war belonging to the United States of North-America, on anchoring in the ports of the Regency, shall receive the usual presents of provisions and refreshments, gratis. Should any of the slaves of this regency make their escape on board said vessels, they shall be immediately returned: No excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

ARTICLE XII.

How slaves shall be redeemed, and when captured persons shall be lawful prize.

No citizen of the United States of North-America, shall be obliged to redeem any slave against his will, even should he be his brother: neither shall the owner of a slave be forced to sell him against his will: but all such agreements must be made by consent of parties. Should any American citizen be taken on board an enemy-ship, by the cruisers of this Regency, having a regular passport, specifying they

are citizens of the United States, they shall be immediately set at liberty. On the contrary, they having no passport, they and their property shall be considered lawful prize ; as this Regency know their friends by their passports.

ARTICLE XIII.

Should any of the citizens of the United States of North-America, die within the limits of this Regency, the Dey and his subjects shall not interfere with the property of the deceased ; but it shall be under the immediate direction of the consul : unless otherwise disposed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them ; when they shall render an account of the property. Neither shall the Dey or Divan give hindrance in the execution of any will that may appear.

How the estate of citizens of U. S. dying in the Regency, shall be settled.

ARTICLE XIV.

No citizen of the United States of North-America, shall be obliged to purchase any goods against his will ; but, on the contrary, shall be allowed to purchase whatever it pleaseth him. The consul of the United States of North-America, or any other citizen, shall not be amenable for debts contracted by any one of their own nation ; unless previously they have given a written obligation so to do. Should the Dey want to freight any American vessel that may be in the Regency, or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations, he expects to have the preference given him, on his paying the same freight offered by any other nation.

No citizen of U. S. to be compelled to purchase goods or pay debts of another.

ARTICLE XV.

Any disputes or suits at law, that may take

How disputes shall be settled.

place between the subjects of the Regency and the citizens of the United States of North-America, shall be decided by the Dey in person, and no other. Any disputes that may arise between the citizens of the United States, shall be decided by the consul ; as they are in such cases not subject to the laws of this Regency.

ARTICLE XVI.

How crimes shall be punished.

Should any citizen of the United States of North-America, kill, wound, or strike a subject of this Regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of North-America, in the above predicament, escape prison, the consul shall not become answerable for him.

ARTICLE XVII.

Privileges of the consul of the U. States.

The consul of the United States of North-America, shall have every personal security given him and his household : he shall have liberty to exercise his religion in his own house : all slaves of the same religion, shall not be impeded in going to said consul's house, at hours of prayer. The consul shall have liberty and personal security given him to travel whenever he pleases, within the Regency : he shall have free license to go on board any vessel lying in our roads, whenever he shall think fit. The consul shall have leave to appoint his own drogaman and broker.

ARTICLE XVIII.

In case of war, citizens of U. S. may embark unmolested.

Should a war break out between the two nations, the consul of the United States of North-America, and all citizens of said states, shall have leave to embark themselves and property unmolested, on board of what vessel or vessels they shall think proper.

ARTICLE XIX.

Should the cruifers of Algiers capture any vessel, having citizens of the United States of North-America on board, they having papers to prove they are really fo, they and their property fhall be immediately difcharged. And fhould the veffels of the United States capture any veffels of nations at war with them, having fubjects of this Regency on board, they fhall be treated in like manner.

Citizens of either nation captured by the other to be fet at liberty.

ARTICLE XX.

On a vefsel of war belonging to the United States of North-America anchoring in our ports, the Conful is to inform the Dey of her arrival ; and fhe fhall be faluted with twenty-one guns ; which fhe is to return in the fame quantity or number. And the Dey will fend fresh provifions on board, as is customary, gratis.

Veffels of war to be faluted.

ARTICLE XXI.

The Conful of the United States of North-America fhall not be required to pay duty for any thing he brings from a foreign country for the ufe of his houfe and family.

Conful not to pay duty.

ARTICLE XXII.

Should any difturbance take place between the citizens of the United States and the fubjects of this Regency, or break any article of this treaty, war fhall not be declared immediately ; but every thing fhall be fearch'd into regularly : the party injured fhall be made reparation.

War not to be declared in cafe of breach of treaty.

On the 21ft of the Luna of Safer, 1210, correfponding with the 5th September, 1795, Joseph Donaldfon, jun. on the part of the United States of North-America, agreed with Hafsan Bafhaw, Dey of Algiers, to keep the articles contained in this treaty facred and invio-

Sum to be paid to the Dey.

lable ; which we the Dey and Divan promise to observe, on consideration of the United States paying annually the value of twelve thousand Algerine sequins in maritime stores. Should the United States forward a larger quantity, the overplus shall be paid for in money, by the Dey and Regency. Any vessel that may be captured from the date of this treaty of peace and amity, shall immediately be delivered up on her arrival in Algiers.

Signed,
 VIZIR HASSAN BASHAW,
 JOSEPH DONALDSON, jun.

Seal of Algiers
 stamped at
 the foot of the
 original treaty
 in Arabic.

To all to whom these Presents shall come, or be made known :

WHEREAS the under-written David Humphreys, hath been duly appointed Commissioner Plenipotentiary, by letters patent under the signature of the President, and seal of the United States of America, dated the 30th of March 1795, for negotiating and concluding a treaty of peace with the Dey and Governors of Algiers ; whereas by instructions given to him on the part of the Executive, dated the 28th of March and 4th of April, 1795, he hath been further authorized to employ Joseph Donaldson, junior, on an agency in the said business ; whereas, by a writing under his hand and seal, dated 21st May, 1795, he did constitute and appoint Joseph Donaldson, junior, agent in the business aforesaid ; and the said Joseph Donaldson, jun. did, on the 5th of September, 1795, agree with Hassan Bashaw, Dey of Al-

giers, to keep the articles of the preceding treaty sacred and inviolable :

Now know ye, That I, David Humphreys, Commissioner Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained; reserving the same nevertheless for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In Testimony whereof, I have signed the same with my Hand and Seal, at the
 (Seal) *City of Lisbon, this 28th of November,*
 1795.

DAVID HUMPHREYS.

T R E A T Y
O F
Friendship, Limits and Navigation,
BETWEEN THE
UNITED STATES OF AMERICA,
AND THE
King of Spain.

HIS Catholic Majesty and the United States of America, desiring to consolidate, on a permanent basis, the friendship and good correspondence, which happily prevails between the two parties, have determined to establish, by a convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

With this intention, his Catholic Majesty has appointed the most excellent Lord, don Manuel de Godoy, and Alvarez de Faria, Rios, Sanchez, Zarzosa, Prince de la Paz, duke de la Alcudia, lord of the Soto de Roma, and of the state of Albala, Grandee of Spain of the first class, perpetual regidor of the city of Santiago, knight of the illustrious order of the Golden Fleece, and Great Cross of the Royal and distinguished Spanish order of Charles the III^d. commander of Valencia, del Ventoso, Rivera, and Acenchal in that of Santiago ; Knight and Great Cross of the religious order of St. John ; Counsellor of state ; first Secretary of state and despacho ; Secretary to the Queen ; Superintendant General of the posts and highways ; Protector

TRATADO

DE

Amistad, Limites, y Navegacion

ENTRE LOS

ESTADOS UNIDOS DE AMERICA,

Y EL

Rey de España.

DESEANDO S. M. Católica, y los Estados Unidos de America consolidar de un modo permanente la buena correspondencia y amistad que felizmente reyna entre ambas partes, han resuelto fixar por medio de un convenio varios puntos, de cuyo arreglo resultará un beneficio general, y una utilidad recíproca á los dos países.

Con esta mira han nombrado S. M. Católica al Excelentísimo Sr Dⁿ. Manuel de Godoy, y Alvarez de Faria, Rios, Sanchez, Zarrofa, Principe de la Paz, Duque de la Alcudia, Señor del Soto de Roma, y del Estado de Abalá, Grande de España de primera clase, Regidor perpetuo de la ciudad de Santiago, Caballero de la insigne orden del toyon de Oro, Gran Cruz de la R^l y distinguida Española de Carlos III. Comendador de Valencia, del Ventoso, Rivera, y Acenchal en la de Santiago, Caballero Gran Cruz de la Religion de Sⁿ. Juan, Consejero de Estado, primera Secretario de Estado y del Despacho, Secretario de la Reyna Nuestra, S^{ra} Superintendente General de Correos y Caminos, Protector de la R^l. Academia de las nobles artes, y de los

of the royal Academy of the noble arts, and of the royal societies of natural history, botany, chemistry, and astronomy ; Gentleman of the King's chamber in employment ; Captain General of his armies ; Inspector and Major of the royal corps of body guards, &c. &c. &c. and the President of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney, a citizen of the United States, and their Envoy Extraordinary to his Catholic Majesty. And the said Plenipotentiaries have agreed upon and concluded the following articles:

ARTICLE I.

Peace established.

There shall be a firm and inviolable peace and sincere friendship between his Catholic Majesty, his successors and subjects, and the United States, and their citizens, without exception of persons or places.

ARTICLE II.

Southern boundary line established.

To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit. The southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the river Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Apalachicola, or Catahouche, thence along the middle thereof to its junction with the Flint : thence strait to the head of St. Mary's river, and thence down the middle thereof to the Atlantic ocean. And it is agreed, that if there should be any troops, garrisons, or settlements of either party, in the

R^{les}. Gabinete de Historia Natural, Jardín Botánico, y Observatorio Astronómico; Gentilhombre de de Camara con ejercicio; Capitan General de los R^{les}. Exercitos; Inspector y Sargento Mayor del R^l. Cuerpo de Guardias de Corps, &c. &c. &c. y el Presidente de los Estados Unidos, con consentimiento y aprobacion del Senado, á Don Tomas Pinckney, ciudadano de los mismos Estados, y su Enviado Extraordinario cerca de S. M. Catolica, y ambos Plenipotenciarios han ajustado y firmado los articulos siguientes :

ARTICULO I.

Habrá una Paz solida ô inviolable, y una amistad sincera entre S. M. Catolica sus sucesores y subditos, y los Estados Unidos y sus Ciudadanos sin excepcion de personas, ô lugares.

ARTICULO II.

Para evitar toda disputa en punto á los limites que separan los territorios de las dos altas partes contratantes, se han convenido, y declarado en el presente articulo lo siguiente, á saber. Que el limite meridional de los Estados Unidos, que separa su territorio de el de las colonias Españolas de la Florida Occidental y de la Florida Oriental, se demarcara por una linea que empieze en el Rio Misisipi, en la parte mas septentrional del grado treinta y uno al norte del Equador, y que desde alli siga en derecha al Este, hasta el medio del Rio Apalachicola ô Catahouchi, desde alli por la mitad de este Rio hasta su union con el Flint: de alli en derecha hasta el nacimiento del Rio Sta. Maria; y de alli baxando por el medio de este Rio hasta el oceano Atlantico. Y se han convenido las dos potencias en que se

territory of the other, according to the above-mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

ARTICLE III.

Commis-
sioners to
run the
boundary
line.

In order to carry the preceding article into effect, one commissioner and one surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the river Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And if on any account it should be found necessary that the said commissioners and surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of his Majesty's troops in the two Floridas, and the commanding officer of the troops of the United States in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

ARTICLE IV.

It is likewise agreed that the western boundary of the United States which separates them

hubiese tropa, guarniciones, ô establecimientos de la una de las dos partes en el territorio de la otra, segun los limites que se acaban de mencionar, se retirarán de dicho territorio en el termino de seis meses despues de la ratificacion de este tratado, ô antes si fuese posible, y que se les permitirá llevar consigo todos los bienes y efectos que posean.

ARTICULO III.

Para la execucion del articulo antecedente se nombrarán por cada una de las dos altas partes contratantes un comisario y un geome- tra que se juntarán en natchez en la orilla izquierda del Misisipi, antes de expirar el termino de seis meses despues de la ratificacion de la convencion presente ; y procederán á la demarcacion de estos limites conforme á lo estipulado en el articulo anterior. Levantarán planos, y formarán Diarios de sus operaciones, que se reputarán como parte de este Tratado, y tendran la misma fuerza que si estuvieran insertas en él. Y si por qualquier motivo se creyese necesario que los dichos Comisarios y Geometras fuesen acompañados con guardias, se les darán en numero igual por el general que mande las tropas de S. M. en las dos Floridas, y el Comandante de las tropas de los Estados Unidos en su territorio del Sudoeste, que obrarán de acuerdo y amistosamente, asi en este punto como en el de apronto de viveres é instrumentos, y en tomar qualesquiera otras disposiciones necesarias para la execucion de este articulo.

ARTICULO IV.

Se han convenido igualmente que el limite Occidental del territorio de los Estados Unidos

Mississippi
to be the
western
boundary,
and the na-
vigation
thereof se-
cured,

from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said states to the completion of the thirty-first degree of latitude north of the equator. And his Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention.

ARTICLE V.

How each
nation shall
conduct
with Indi-
ans in their
respective
territories.

The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary: so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last-mentioned Indians to commence hostilities against the subjects of his Catholic Majesty or his Indians, in any manner whatever.

And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that in future no treaty of alliance or other whatever (except treaties of peace) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavour to make the advantages

que los separa de la Colonia Española de la Luisiana está en medio del canal ô madre del Rio Misisipi desde el limite septentrional de dichos Estados hasta el complemento de los treinta y un grados de latitud al Norte del Equador; y S. M. Católica ha convenido igualmente en que la navegacion de dicho Rio en todo su extension desde su origen hasta el océano, será libre solo á sus subditos y á los ciudadanos de los Estados Unidos, á menos que por algun tratado particular haga extensiva esta libertad á subditos de otras potencias.

ARTICULO V.

Las dos altas partes contratantes procurarán por todos los medios posibles mantener la paz, y buena armonia entre las diversas naciones de Indios que habitan los terrenos adyacentes á las lineas y rios que en los articulos anteriores forman los limites de las dos Floridas; y para conseguir mejor este fin se obligan expresamente ambas potencias á reprimir con la fuerza todo genero de hostilidades de parte de las naciones Indias que habitan dentro de la linea de sus respectivos limites: de modo que ni la España permitirá que sus Indios ataquen á los que vivan en el territorio de los Estados Unidos ô á sus ciudadanos, ni los Estados que los suyos hostilicen á los subditos de S. M. Católica ô á sus Indios de manera alguna.

Existiendo varios tratados de amistad entre las expresadas naciones y las dos potencias, se han convenido en no hacer en lo venidero alianza alguna ô tratado (excepto los de paz) con las Naciones de Indios que habitan dentro de los limites de la otra parte, aunque procurarán hacer comun su comercio en beneficio amplio de los subditos y ciudadanos re-

of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity, so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expense which they have hitherto occasioned.

ARTICLE VI.

Each nation
to protect
the vessels
of the other
in their ju-
risdiction.

Each party shall endeavour, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners, their vessels and effects which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects.

ARTICLE VII.

No embar-
go allowed.

In cases of
seizure for
debts or
crimes how
to proceed.

And it is agreed that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever: And in all cases of seizure, detention, or arrest for debts contracted, or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all

spectivos, guardandose en todo la reciprocidad mas completa, de fuerte que sin los dispendios que han causado hasta ahora dichas naciones á las dos partes contratantes, configan ambas todas las ventajas que debe producir la armonia con ellas.

ARTICULO VI.

Cada una de las dos partes contratantes procurará por todos los medios posibles, proteger y defender todos los buques y qualesquiera otros efectos pertenecientes á los subditos y ciudadanos de lá otra que se hallen en la extension de su jurisdiccion por mar ô por tierra, y empleará todos sus esfuerzos para recobrar y hacer restituir á los propietarios legitimos los buques y efectos que se les hayan quitado en la extension de dicha jurisdiccion esten ô no en guerra con la potencia cuyos subditos hayan interceptado dichos efectos.

ARTICULO VII.

Se ha convenido que los subditos y ciudadanos de una de las partes contratantes, sus buques, ô efectos no podran sujetarse à ningun embargo ô detencion de parte de la otra á causa de alguna expedicion militar, uso publico ô particular de qualquiera que sea. Y en los casos de aprehension detencion ô arresto, bien sea por deudas contrahidas û ofensas cometidas por algun ciudadano ô subdito de una de las partes contratantes en la jurisdiccion de la otra, se procederá unicamente por orden y autoridad de la justicia, y segun los tramites ordinarios seguidos en semejantes casos. Se permitirá à los ciudadanos y subditos de ambas partes emplear los abogados, procuradores, notarios, agentes ô factores que juzguen mas

their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

ARTICLE VIII.

Vessels
forced into
port by
stress of
weather to
be relieved.

In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbour, to retreat and enter into any of the rivers, bays, roads or ports belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ARTICLE IX.

Property
taken from
pirates to
be restored.

All ships and merchandize, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

à propósito en todos sus asuntos y en todos los pleytos que podrán tener en los tribunales de la otra parte, á los quales se permitirá igualmente el tener libre acceso en las causas, y estar presentes á todo exâmen y testimonios que podran ocurrir en los pleytos.

ARTICULO VIII.

Quando los subditos y habitantes de la una de las dos partes contratantes con sus buques, bien sean publicos ô de guerra, bien particulares ô mercantiles se viesen obligados por una tempestad, por escapar de piratas ô de enemigos, ô por qualquiera otra necesidad urgente à buscar refugio y abrigo en alguno de los rios, bahias, radas, ô puertos de una de las dos partes, seran recibidos y tratados con humanidad, y gozaran de todo favor, proteccion, y socorro, y les será licito proveerse de refrescos, viveres, y demas cosas necesarias para su sustento, para componer sus buques, y continuar su viage, todo mediante un precio equitativo; y no se les detendrá ô impedira de modo alguno el salir de dichos puertos ô radas, antes bien podran retirarse y partir como y quando les pareciere sin ningun obstaculo ô impedimento.

ARTICULO IX.

Todos los buques y mercaderias de qualquiera naturaleza que sean, que se hubiesen quitado à algunos piratas en alta mar y se traxesen á algun puerto de una de las dos potencias, se entregaran alli á los oficiales ô empleados en dicho puerto á fin de que los guarden y restituyan integramente á su verdadero propietario luego que hiciese constar debida y plenamente que era su legitima propiedad.

ARTICLE X.

Vessels
wrecked or
foundered,
to be re-
lieved.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case: And if the operations of repair would require that the whole or any part of the cargo be unladen, they shall pay no duties, charges or fees on the part which they shall relade and carry away.

ARTICLE XI.

Settlement
of the es-
tates of de-
ceased per-
sons.

The citizens and subjects of each party shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation or otherwise, and their representatives being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases.

And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if questions shall arise among several claimants to which of them the said goods belong, the same shall

ARTICULO X.

En el caso de que un buque perteneciente à una de las dos partes contratantes naufragase, varase, ó sufriese alguna avería en las costas ó en los dominios de la otra, se socorra á los súbditos ó ciudadanos respectivos, así á sus personas como à sus buques y efectos, del mismo modo que se haria con los habitantes del pais donde suceda la desgracia, y pagarán solo las mismas cargas y derechos que se hubieran exigido de dichos habitantes en semejante caso. Y si fuese necesario para componer el buque que se descargue el cargamento en todo ó en parte, no pagarán impuesto alguno, carga, ó derecho de lo que se vuelva á embarcar para ser exportado.

ARTICULO XI.

Los ciudadanos ó súbditos de una de las dos partes contratantes tendrán en los estados de la otra la libertad de disponer de sus bienes personales bien sea por testamento, donacion, ú otra manera, y si sus herederos fuesen súbditos ó ciudadanos de la otra parte contratante, sucederán en sus bienes ya sea en virtud de testamento ó ab intestato, y podrán tomar posesion, bien en persona, ó por medio de otros que hagan sus veces, y disponer como les pareciere sin pagar mas derechos que aquellos que deben pagar en caso semejante los habitantes del pais donde se verificase la herencia.

Y si estubiesen ausentes los herederos se cuidará de los bienes que les hubiesen tocado, del mismo modo que se hubiera hecho en semejante ocasion con los bienes de los naturales del pais, hasta que el legítimo propietario haya aprobado las disposiciones para recoger la herencia. Si se suscitasen disputas entre dife-

be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by being an alien, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the government of the respective states.

ARTICLE XII.

Vessels suspected shall exhibit passports & certificates.

The merchant-ships of either of the parties which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas as in the ports and havens, not only her passports but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband.

ARTICLE XIII.

In case of war 1 year allowed to merchants to remove.

For the better promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, one year after the proclamation of war shall be allowed to the merchants, in the cities and towns where they shall live, for collecting and transporting their goods and merchandizes : And if any thing be taken from them or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same by the government.

rentes competidores que tengan derecho á la herencia, serán terminadas en última instancia segun las leyes, y por los jueces del pais en que vacase la herencia. Y si por la muerte de alguna persona que poseyese bienes raices sobre el territorio de una de las partes contratantes, estos bienes raices llegasen á pasar segun las leyes del pais á un súbdito ó ciudadano de la otra parte, y este por su calidad de extrangero fuese inhábil para poseerlos, obtendrá un término conveniente para venderlos y recoger su producto sin obstáculo, exento de todo derecho de retencion de parte del gobierno de los Estados respectivos.

ARTICULO XII.

A los buques mercantes de las dos partes que fuesen destinados á puertos pertenecientes á una potencia enemiga de una de las dos, cuyo viage y naturaleza del cargamento diese justas sospechas, se les obligará, á presentar bien sea en alta mar, bien en los puertos y cabos, no solo sus pasaportes sino tambien los certificados que probarán expresamente que su cargamento no es de la especie de los que están prohibidos como de contrabando.

ARTICULO XIII.

A fin de faborecer el comercio de ambas partes, se ha convenido que en el caso de romperse la guerra entre las dos naciones, se concederá el término de un año despues de su declaracion, á los comerciantes en las villas y ciudades que habitan, para juntar y transportar sus mercaderias, y si se les quitase alguna parte de ellas, ó hiciese algun daño durante el tiempo prescrito arriba por una de las dos potencias sus pueblos ó súbditos, se les dará en este punto entera satisfaccion por el gobierno.

ARTICLE XIV.

No citizen of either nation shall take a commission from a foreign power to arm privateers against the other.

No subject of his Catholic Majesty shall apply for, or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States, or against the citizens, people or inhabitants of the said United States, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war.

Nor shall any citizen, subject or inhabitant of the said United States apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of his Catholic Majesty, or the property of any of them, from any prince or state with which the said king shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

ARTICLE XV.

Liberty of trade to enemies' ports secured.

It shall be lawful for all and singular the subjects of his Catholic Majesty, and the citizens, people and inhabitants of the said United States, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are, or hereafter shall be at enmity with his Catholic Majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the

Free ships make free goods, excepting contraband.

ARTICULO XIV.

Ningun súbdito de S. M. Católica tomará encargo ó patente para armar buque ó buques que obren como corsarios contra dichos Estados Unidos, ó contra los ciudadanos pueblos y habitantes de los mismos, ó contra su propiedad ó la de los habitantes de alguno de ellos de qualquier Príncipe que sea con quien estubieren en guerra los Estados Unidos.

Ygualmente ningun ciudadano ó habitante de dichos Estados Unidos pedirá ó aceptará encargo ó patente para armar algun buque ó buques con el fin de perseguir los súbditos de S. M. Católica, ó apoderarse de su propiedad, de qualquier Príncipe ó Estado que sea con quien estuviere en guerra S. M. Católica. Y si algun individuo de una ó de otra nacion tomase semejantes encargos ó patentes será castigado como pirata.

ARTICULO XV.

Se permitirá à todos y à cada uno de los súbditos de S. M. Católica, y à los ciudadanos pueblos y habitantes de dichos Estados, que puedan navegar con sus embarcaciones con toda libertad, y seguridad sin que haya la menor excepcion por este respecto, aunque los propietarios de las mercaderías cargadas en las referidas embarcaciones vengan del puerto que quieran, y las traygan destinadas à qualquiera plaza de una potencia actualmente enemiga ó que lo sea despues, así de S. M. Católica como de los Estados Unidos. Se permitirá igualmente à los súbditos y habitantes mencionados navegar con sus buques y mercaderías, y freqüentar con igual libertad y seguridad las plazas y puertos de las potencias enemigas de las partes contratantes, ó de una de ellas sin

enemy aforementioned, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince or under several; and it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either: Contraband goods being always excepted. It is also agreed, that the same liberty be extended to persons who are on board a free ship, so that although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

ARTICLE XVI.

What articles shall be deemed contraband.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only, which are distinguished by the name of contraband: And under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs, with the fuses, and the other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, musquets, musquet-ball, bucklers, helmets, breast-plates, coats of mail, and the like kinds of arms, proper for arming soldiers, musquet-rests, belts, horses with their furniture, and all other war-

oposicion ú obstáculo, y de comerciar no solo desde los puertos de dicho enemigo à un puerto neutro directamente, si no tambien desde uno enemigo à otro tal, bien se encuentre baxo su jurisdiccion, ó baxo la de muchos ; y se estipula tambien por el presente tratado que los buques libres asegurarán igualmente la libertad de las mercaderías, y que se juzgarán libres todos los efectos que se hallasen à bordo de los buques que perteneciesen à los súbditos de una de las partes contratantes, aun quando el cargamento por entero ó parte de él fuese de los enemigos de una de las dos, bien entendido sin embargo que el contrabando se exceptua siempre. Se ha convenido así mismo que la propia libertad gozarán los sugetos que pudiesen encontrarse à bordo del buque libre, aun quando fuesen enemigos de una de las dos partes contratantes ; y por lo tanto no se podrá hacerlos prisioneros ni separarlos de dichos buques à ménos que no tengan la qualidad de militares, y esto hallandose en aquella fazon empleados en el servicio del enemigo.

ARTICULO XVI.

Esta libertad de navegacion y de comercio debe extenderse à toda especie de mercaderías exceptuando solo las que se comprehenden baxo nombre de contrabando, ó de mercaderías prohibidas, quales son las armas, cañones, bombas con sus mechas, y demas cosas pertenecientes à lo mismo, balas, pólvora, mechas, picas, espadas, lanzas, dardos, alabardas, morteros, petardos, granadas, salitre, fusiles, balas, escudos, casquetes, corazas, cotas de malla, y otras armas de esta especie propias para armar á los soldados, portamosquetes, bandoleras, caballos con sus armas y otros instrumentos de guerra sean los que fueren. Pero los generos

What articles shall be deemed contraband.

like instruments whatever. These merchandizes which follow, shall not be reckoned among contraband or prohibited goods : That is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever ; all kinds of wearing apparel, together with all species whereof they are used to be made ; gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals ; as also wheat, barley and oats, and any other kind of corn and pulse ; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts : And in general, all provisions which serve for the sustenance of life : Furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors, and any parts of anchors, also ships' masts, planks and wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband, much less, such as have been already wrought and made up for any other use ; all which shall be wholly reckoned among free goods : As likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods : So that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns, or places being only excepted, as are at that time besieged, blocked up, or invested. And except the cases in which any ship of war, or squadron

y mercaderías que se nombrarán ahora, no se comprenderán entre los de contrabando ó cosas prohibidas, à saber: toda especie de paños y qualesquiera otras telas de lana, lino, seda, algodón ú otras qualesquiera materias, toda especie de vestidos con las telas de que se acostumbra hacer, el oro y la plata labrada en moneda ó no, el estaño, hierro, laton, cobre, bronce, carbon, del mismo modo que la cevada, el trigo, la avena, y qualquiera otro género de legumbres. El tabaco y toda la especería, carne salada y ahumada, pescado salado, queso y manteca, cerveza, aceytes, vinos, azúcar, y toda especie de sal, y en general todo género de provisiones que sirvan para el sustento de la vida. Ademas toda especie de algodón, cáñamo, lino, alquitran, pez, cuerdas, cables, velas, telas para velas, áncoras, y partes de que se componen. Mástites, tablas, maderas de todas especies, y qualesquiera otras cosas que sirvan para la construccion y reparacion de los buques, y otras qualesquiera materias que no tienen la forma de un instrumento preparado para la guerra por tierra ó por mar, no serán reputadas de contrabando, y ménos las que están ya preparadas para otros usos. Todas las cosas que se acaban de nombrar deben ser comprendidas entre las mercaderías libres, lo mismo que todas las demas mercaderías y efectos que no están comprendidos y nombrados expresamente en la enumeracion de los géneros de contrabando, de manera que podrán ser transportados y conducidos con la mayor libertad por los súbditos de las dos partes contratantes á las plazas enemigas, exceptuando sin embargo las que se hallasen en la actualidad sitiadas, bloqueadas, ó embestidas, y los casos en que algun buque de guerra ó esqua-

shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the power to whom the said ship of war belongs, may pay for the articles so taken, according to the price thereof, at the port to which they may appear to have been destined by the ship's papers: and the two contracting parties engage, that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries: That they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

ARTICLE XVII.

Regulations respecting passports, and sea-letters.

To the end, that all manner of dissensions and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto, should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship; as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby, that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

It is likewise agreed, that such ships being laden, are to be provided not only with pass-

dra que por efecto de avería, ú otras causas se halle en necesidad de tomar los efectos que conduzca el buque ó buques de comercio, pues en tal caso podrá detenerlos para aprovisionarse, y dar un recibo para que la potencia cuyo sea el buque que tome los efectos, los pague segun el valor que tendrian en el puerto adonde se dirigiese el propietario, segun lo expresen sus cartas de navegacion: obligandose las dos partes contratantes á no detener los buques mas de lo que sea absolutamente necesario para aprovisionarse, pagar inmediatamente los recibos, é indemnizar todos los daños que sufra el propietario á consecuencia de semejante suceso.

ARTICULO XVII.

A fin de evitar entre ambas partes toda especie de disputas y quejas, se ha convenido que en el caso de que una de las dos potencias se hallase empeñada en una guerra, los buques y bastimentos pertenecientes á los súbditos ó pueblos de la otra, deberán llevar consigo patentes de mar ó pasaportes que expresen el nombre, la propiedad, y el porte del buque, como tambien el nombre y morada de su dueño y comandante de dicho buque, para que de este modo conste que pertenece real y verdaderamente á los súbditos de una de las dos partes contratantes; y que dichos pasaportes deberán expedirse segun el modelo adjunto al presente tratado. Todos los años deberán renovarse estos pasaportes en el caso de que el buque vuelva á su pais en el espacio de un año.

Igualmente se ha conveindo en que los buques mencionados arriba, si estuviesen carga-

ports as above-mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same : which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form : And if any one shall think it fit or advisable to express in the said certificates, the person to whom the goods on board belong, he may freely do so : Without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

ARTICLE XVIII.

Vessels shall
exhibit
passports
to ships of
war.

If the ships of the said subjects, people, or inhabitants, of either of the parties, shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats a-board the merchant ship, which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports, concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship when she shall have shewed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chace in any manner, or force her to quit her intended course.

dos, deberán llevar no solo los pasaportes sino tambien certificados que contengan el pormenor del cargamento, el lugar de donde ha salido el buque, y la declaracion de las mercaderías de contrabando que pudiesen hallarse a bordo, cuyos certificados deberán expedirse en la forma acostumbrada por los oficiales empleados en el lugar de donde el navio se hiciese á la vela, y si se juzgase útil y prudente expresar en dichos pasaportes la persona propietaria de las mercaderías se podrá hacer libremente, sin cuyos requisitos será conducido á uno de los puertos de la potencia respectiva, y juzgado por el tribunal competente, con arreglo á lo arriba dicho, para que examinadas bien las circunstancias de su falta, sea condenado por de buena presa si no fatisfaciese legalmente con los testimonios equivalentes en un todo.

ARTICULO XVIII.

Quando un buque perteneciente á los dichos súbditos pueblos y habitantes de una de las dos partes fuese encontrado navegando á lo largo de la costa ó en plena mar por un buque de guerra de la otra ó por un corsario, dicho buque de guerra ó corsario, á fin de evitar todo desórden, se mantendrá fuera del tiro de cañon, y podrá enviar su chalupa á bordo del buque mercante, hacer entrar en él dos ó tres hombres á los quales enseñará el patron ó comandante del buque su pasaporte y demas documentos, que deberán ser conformes á lo prevenido en el presente tratado, y probará la propiedad del buque, y despues de haber exhibido semejante pasaporte y documentos, se les dexará seguir libremente su viage, sin que les sea lícito el molestarle ni procurar de modo alguno darle caza, ú obligarle á dexar el rumbo que seguia.

ARTICLE XIX.

Consuls.

Consuls shall be reciprocally established, with the privileges and powers which those of the most favored nations enjoy, in the ports where their consuls reside or are permitted to be.

ARTICLE XX.

Courts of justice to be open to citizens of each nation.

It is also agreed that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever, who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

ARTICLE XXI.

Compensation to be made to citizens of U. S. for illegal captures of vessels by Spanish subjects.

In order to terminate all differences on account of the losses sustained by the citizens of the United States in consequence of their vessels and cargoes having been taken by the subjects of his Catholic Majesty, during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of commissioners to be appointed in the following manner. His Catholic Majesty shall name one commissioner, and the President of the United States, by and with the advice and consent of their Senate, shall appoint another, and the said two commissioners shall agree on the choice of a third, or if they cannot agree so, they shall each propose one

ARTICULO XIX.

Se establecerán Cónsules recíprocamente con los privilegios y facultades que gozaren los de las naciones mas favorecidas en los puertos donde los tuviere estas, ó les sea lícito el tenerlos.

ARTICULO XX.

Se ha convenido igualmente que los habitantes de los territorios de una y otra parte respectivamente serán admitidos en los tribunales de justicia de la otra parte, y les será permitido el entablar sus pleytos para el recobro de sus propiedades, pago de sus deudas, y satisfaccion de los daños que hubiesen recibido bien sean las personas contra las quales se quejasen súbditos ó ciudadanos del pais en el que se hallen, ó bien sean qualesquiera otros sugetos que hayan refugiado allí; y los pleytos y sentencias de dichos tribunales serán las mismas que hubieran sido en el caso de que las partes litigantes fuesen súbditos ó ciudadanos del mismo pais.

ARTICULO XXI.

A fin de concluir todas las disensiones sobre las pérdidas que los ciudadanos de los Estados Unidos hayan sufrido en sus buques y cargamentos apresados por los vasallos de S. M. Católica durante la guerra que se acaba de finalizar entre España y Francia, se ha convenido que todos estos casos se determinarán finalmente por comisarios que se nombrarán de esta manera: S. M. Católica nombrará uno, y el Presidente de los Estados Unidos otro con consentimiento y aprobacion del Senado; y estos dos comisarios nombrarán un tercero de comun acuerdo: pero si no pudiesen acordarse, cada uno nombrará una persona, y sus dos nombres puestos en fuerte se sacarán á

Commis-
sioners to
ascertain
the same.

person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original commissioners, and the person whose name shall be so drawn, shall be the third commissioner: and the three commissioners so appointed, shall be sworn impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the laws of nations. The said commissioners shall meet and sit at Philadelphia: and in the case of the death, sickness, or necessary absence of any such commissioner, his place shall be supplied in the same manner as he was first appointed, and the new commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and his Catholic Majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions as shall be awarded by the said commissioners.

ARTICLE XXII.

The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them, will be further increased by this treaty, and that it

presencia de los dos comisarios, resultando por tercero aquel cuyo nombre hubiese salido el primero. Nombrados así estos tres comisarios, jurarán que exâminarán y decidirán con imparcialidad las quejas de que se trata, segun el mérito de la diferencia de los casos, y segun dicten la justicia, equidad, y derecho de gentes. Dichos comisarios se juntarán y tendrán sus sesiones en Philadelphia, y en caso de muerte enfermedad ó ausencia precisa de alguno de ellos se reemplazará su plaza de la misma manera que se eligió, y el nuevo comisario hará igual juramento y ejercerá iguales funciones. En el término de 18 meses contados desde el dia en que se junten admitirán todas las quejas y reclamaciones autorizadas por este artículo. Así mismo tendrán autoridad para exâminar baxo la sancion del juramento á todas las personas que ocurran ante ellos sobre puntos relativos á dichos quejas, y recibirán como evidente todo testimonio escrito que de tal manera sea auténtico que ellos lo juzguen digno de pedirse ó admitirse. La decision de dichos comisarios, ó de dos de ellos será final y concluyente, tanto por lo que toca á la justicia de la queja, como por lo que monte la suma que se deba satisfacer á los demandantes, y S. M. Católica se obliga á hacerlas pagar en especie, sin rebaja y en las épocas, lugares, y baxo las condiciones que se decidan por los comisarios.

ARTICULO XXII.

Esperando las dos altas partes contratantes que la buena correspondencia y amistad que reyna actualmente entre sí se estrechará mas y mas con el presente tratado, y que contribuirá

Spain permits citizens of U. States to deposit goods at New Orleans.

will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favour which the advantages of both countries may require.

And in consequence of the stipulations contained in the fourth article, his Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandizes and effects in the port of New-Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores, and his Majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment.

ARTICLE XXIII.

The present treaty shall not be in force until ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible. U

IN WITNESS WHEREOF, we, the underwritten plenipotentiaries of his Catholic Majesty and of the United States of America, have signed this present treaty of friendship, limits, and navigation, and have thereunto affixed our seals respectively.

DONE at San Lorenzo el Real, this seven and twentieth day of October, one thousand seven hundred and ninety-five.

THOMAS PINCKNEY, (L. S.)

EL PRINCIPE DE LA PAZ, (L. S.)

á aumentar su prosperidad y opulencia, concederán recíprocamente en lo sucesivo al comercio todas las ampliaciones ó favores que exigiere la utilidad de los dos países.

Y desde luego á consecuencia de lo estipulado en el artículo IV. permitirá S. M. Católica por espacio de tres años á los ciudadanos de los Estados Unidos que depositen sus mercaderías y efectos en el puerto de Nueva-Orleans, y que las extraigan sin pagar mas derechos que un precio justo por el alquiler de los almacenas, ofreciendo S. M. continuar el término de esta gracia, si se experimentase durante aquel tiempo que no es perjudicial á los intereses de la España, ó si no conveniese su continuacion enará aquel puerto, proporcionará en otra parte de las orillas del Rio Misisipi un igual establecimiento.

ARTICULO XXIII.

El presente tratado no tendrá efecto hasta que las partes contratantes le hayan ratificado ; y las ratificaciones se cambiarán en el término de seis meses, ó antes si fuese posible contando desde este dia.

EN FE DE LO QUAL NOSOTROS los infrascriptos plenipotenciarios de S. M. Católica y de los Estados Unidos de América, hemos firmado en virtud de nuestros plenos poderes este tratado de amistad, límites, y navegacion, y le hemos puesto nuestros sellos respectivos.

HECHO en San Lorenzo el Real, á veinte y siete de Octubre de mil setecientos noventa y cinco.

THOMAS PINCKNEY, (L. S.)

EL PRINCIPE DE LA PAZ, (L. S.)

DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.—That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly, all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new

guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great-Britain, is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependant on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us :

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offences :

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

WE, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, Free and Independent States; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the state of Great-Britain, is, and ought to be, totally dissolved; and that as Free and Independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honour.

J O H N H A N C O C K.

New-Hampshire. { Josiah Bartlett,
William Whipple,
Matthew Thornton.

Massachusetts-Bay. { Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry.

Rhode-Island, &c. { Stephen Hopkins,
William Ellery.

Connecticut. { Roger Sherman,
Samuel Huntington,
William Williams,
Oliver Wolcott.

New-York. { William Floyd,
Philip Livingston,
Francis Lewis,
Lewis Morris.

<i>New-Jersey.</i>	{	Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.
<i>Pennsylvania.</i>	{	Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Rofs.
<i>Delaware.</i>	{	Cæsar Rodney, George Read, Thomas, M'Kean.
<i>Maryland.</i>	{	Samuel Chase, William Paca, Thomas Stone, Charles Carroll, of Car- rollton.
<i>Virginia.</i>	{	George Wythe, Richard Henry Lee. Thomas Jefferson, Benjamin Harrifon, Thomas Nelson, jun. Francis Lightfoot Lee Carter Braxton.
<i>North-Carolina.</i>	{	William Hooper, Joseph Hewes, John Penn.
<i>South Carolina.</i>	{	Edward Rutledge, Thomas Heyward, jun. Thomas Lynch, jun. Arthur Middleton.
<i>Georgia.</i>	{	Button Gwinnett, Lyman Hall, George Walton.

A R T I C L E S

O F

Confederation and Perpetual Union,

B E T W E E N

T H E S T A T E S O F

New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.

ARTICLE I.

THE stile of this confederacy shall be, "*THE UNITED STATES OF AMERICA.*"

ARTICLE II.

Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the United States in Congress assembled.

ARTICLE III.

The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV.

The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the peo-

ple of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant ; provided also, that no impositions, duties or restrictions shall be laid by any state, on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the United States, he shall upon demand of the governor, or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states, to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V.

For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recal its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No state shall be represented in Congress by less than two nor more than seven members ; and no person shall be capable of being a delegate for more than three years in any term of six years ; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or any other for his benefit, receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a

meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from and attendance on Congress, except for treason, felony or breach of the peace.

ARTICLE VI.

No state, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defence of such state, or its trade; nor shall any

body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the United States, in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which, war has been so declared, and under such regulations, as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case, vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or, until the United States in Congress assembled, shall determine otherwise.

ARTICLE VII.

When land forces are raised by any state, for the common defence, all officers of, or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct: And all vacancies shall be filled up by the state which first made the appointment.

ARTICLE VIII.

All charges of war, and all other expenses, that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land, within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion, shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States in Congress assembled.

ARTICLE IX.

The United States in Congress assembled, shall have the sole, and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any state in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons, each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall in the presence of Congress be drawn out by lot: and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: And if either party shall neglect to attend at the day appointed, without shewing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend

their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive ; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned : Provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, “ well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward : ” Provided also, that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdictions as they may respect such lands and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states ; fixing the standard of weights and measures throughout the United States ; regulating the trade and managing all affairs with the Indians not members of any of the states ; provided that the legislative right of any state within its own limits be not infringed or violated ; establishing and regulating post-offices from one state to another throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the

saïd office ; appointing all officers of the land forces in the service of the United States, excepting regimental officers ; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States ; making rules for the government and regulation of the saïd land and naval forces and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee to sit in the recess of Congress, to be denominated “ a committee of the states,” and to consist of one delegate from each state, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction ; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year, in any term of three years ; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses ; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states, an account of the sums of money so borrowed or emitted ; to build and equip a navy ; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state ; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and cloath, arm and equip them in a soldier-like manner, at the expense of the United States ; and the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled : But if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater

number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same; in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled, shall never engage in a war nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States or any of them; nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a state or any of them, at his or their request, shall be furnished with a transcript of the

said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE X.

The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress, as the United States in Congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the Congress of the United States assembled, is requisite.

ARTICLE XI.

Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this Union: But no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII.

All bills of credit emitted, monies borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof, the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII.

Every state shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration, at any time hereafter, be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every state.

AND WHEREAS it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorise us to ratify the said articles of confederation and perpetual union : KNOW YE, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm, each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions which by the said confederation are submitted to them ; and that the articles thereof shall be inviolably observed by the states we respectively represent ; and that the union shall be perpetual.

IN WITNESS whereof, we have hereunto set our hands in Congress.

DONE at Philadelphia, in the state of Pennsylvania, the 9th day of July, in the year of our Lord, 1778, and in the third year of the independence of America.

The afore said articles of confederation were finally ratified on the first day of March, 1781 ; the state of Maryland having, by their members in Congress, on that day acceded thereto, and completed the same.

New-Hampshire, { Josiah Bartlett,
John Wentworth, jun.

Massachusetts-Bay, { John Hancock,
Samuel Adams,
Elbridge Gerry,
Francis Dana,
James Lovell,
Samuel Holten,

<i>Rhode-Island, &c.</i>	{ William Ellery, Henry Marchant, John Collins.
<i>Connecticut,</i>	{ Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Andrew Adams.
<i>New-York,</i>	{ James Duane, Francis Lewis, William Duer, Gouverneur Morris.
<i>New-Jersey,</i>	{ John Witherspoon, Nathaniel Scudder.
<i>Pennsylvania,</i>	{ Robert Morris, Daniel Roberdeau, Jonathan Bayard Smith, William Clingan, Joseph Reed.
<i>Delaware,</i>	{ Thomas M'Kean, John Dickinson, Nicholas Vandyke.
<i>Maryland,</i>	{ John Hanson, Daniel Carrol.
<i>Virginia,</i>	{ Richard Henry Lee, John Bannister, Thomas Adams, John Harvey, Francis Lightfoot Lee.
<i>North-Carolina,</i>	{ John Penn, Cornelius Harnett. John Williams.
<i>South-Carolina,</i>	{ Henry Laurens, William Henry Drayton, John Matthews, Richard Hutson, Thomas Heyward, jun.
<i>Georgia.</i>	{ John Walton, Edward Telfair, Edward Langworthy.

A N O R D I N A N C E
FOR THE
GOVERNMENT OF THE TERRITORY
OF THE
United States North-west of the River Ohio.

BE it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child, to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as herein-after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be (being of full age) and attested by three witnesses; and real estates may be conveyed by lease

and release, or bargain and sale, signed, sealed, and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose ; and personal property may be transferred by delivery ; saving, however to the French and Canadian inhabitants, and other settlers, of the Kaskaskies, Saint Vincent's, and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress : he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time by Congress a secretary, whose commission shall continue in force for four years, unless sooner revoked ; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office : it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department ; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress : There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices ; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

Bancroft Library

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof: and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their

counties or townships, to represent them in the general assembly ; provided that for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five ; after which the number and proportion of representatives shall be regulated by the legislature: Provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years ; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: Provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold, and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years ; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum : And the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names

to Congress ; five of whom Congress shall appoint and commission to serve as aforesaid ; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid for each vacancy, and return their names to Congress ; one of whom, Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress ; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent ; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office ; the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon

these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils, on an equal footing with the original states, at as early periods, as may be consistent with the general interest:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact between the original states, and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE I.

No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ARTICLE II.

The inhabitants of the said territory, shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever

interfere with, or affect private contracts or engagements, bona fide, and without fraud previously formed.

ARTICLE III.

Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, and the means of education, shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV.

The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein, as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers, in the said territory, shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure, by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new states, as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new states, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in

such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V.

There shall be formed in the said territory, not less than three, nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western state in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincents due north to the territorial line between the United States and Canada; and by the said territorial line to the lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided however, and it is further understood and declared, that the boundaries of these three states, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan. And whenever any of the said states, shall have sixty thousand free inhabitants therein, such state shall be admitted, by its dele-

gates, into the Congress of the United States, on an equal footing with the original states, in all respects whatever ; and shall be at liberty to form a permanent constitution and state government : Provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles ; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

ARTICLE VI.

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted : Provided always, that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service as aforesaid.

DONE by the United States, in Congress assembled, the thirteenth day of July, in the year of our Lord one thousand seven hundred and eighty-seven, and of their sovereignty and independence the twelfth.

WILLM. GRAYSON, *Chairman.*

CHARLES THOMSON, *Secretary.*

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